

JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

SEVENTY-SECOND DAY, FRIDAY, MAY 12, 2000

Speaker Gaw in the Chair.

Prayer by Father David Buescher.

Almighty One of the Beginnings, powerful One of the Endings, we stand for a moment of silence in Your presence. These halls resound with the taste of gentility and sometimes endure the smell of legislative Armageddon. For just this one moment let us catch our breath before the last gasps of this legislative session.

Today brings victory for some, defeat for others. How we react to either and both may be determined by our inhaling now Your presence, and deciding again for human decency and the processes of honorable change. We began this session in Your company; we prepare to end it also with You, O Alpha and Omega, in our personal heart-space and in this vast Chamber. For this moment we are one with You. Amen.

Prayer by Representative Terry Riley.

Lord Jesus Christ, You are the way of peace. Come into the brokenness of our lives and our land with Your healing love. Help us to bow before You in true repentance, and to bow to one another in true repentance.

By the fire of Your Holy Spirit, melt our hard hearts and consume the pride and prejudice which separate us. Fill us, O Lord, with Your perfect love, which casts our fear, and bind us together in that unity which You share with the Father and the Holy Spirit forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Megan Gross, Madelynn Gross, Chrissy Manuszak, Madalina Gabriella Matteucci, Florina Natalia Matteucci, Daniel David Matteucci, Cullan Brian May, Allison Elizabeth May, Brendan Michael May, Torie Murray, Madison Murray, Amanda Murray and Lori L. Robinett.

Representative Crump moved that Rule 2 be suspended for this day, May 12, 2000, until 12:00 p.m., to allow the printing of the House Journal to be completed, at which time the motion for approval of the Journal will be made.

Which motion was adopted by the following vote:

AYES: 144

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer

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Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hickey
Hohulin	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Linton
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Monaco	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reinhart	Relford	Richardson
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shields	Skaggs	Smith	Summers
Thompson	Townley	Treadway	Troupe	Tudor
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wright	Mr. Speaker	

NOES: 001

Murphy

PRESENT: 001

Reid

ABSENT WITH LEAVE: 015

Burton	Hendrickson	Hilgemann	Holand	Lograsso
McBride	Miller	Reynolds	Ridgeway	Sallee
Shelton	Stokan	Surface	Van Zandt	Wilson 42

VACANCIES: 002

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1695	-	Representative Hartzler (123)
House Resolution No. 1696	-	Representative Naeger
House Resolution No. 1697	-	Representative Townley
House Resolution No. 1698	-	Representative Ross, et al
House Resolution No. 1699		
and		
House Resolution No. 1700	-	Representative Klindt
House Resolution No. 1701		
through		
House Resolution No. 1703	-	Representative Fitzwater
House Resolution No. 1704	-	Representative Bartelsmeyer, et al
House Resolution No. 1705	-	Representative Wagner
House Resolution No. 1706	-	Representative Seigfreid
House Resolution No. 1707		
through		
House Resolution No. 1709	-	Representative Howerton

House Resolution No. 1710 - Representative Schwab
House Resolution No. 1711 - Representative Loudon
House Resolution No. 1712
through
House Resolution No. 1715 - Representative Griesheimer
House Resolution No. 1716 - Representative Boatright
House Resolution No. 1717
through
House Resolution No. 1722 - Representative Crawford
House Resolution No. 1723 - Representative McClelland
House Resolution No. 1724 - Representatives Thompson, Days and Brooks, et al
House Resolution No. 1725 - Representatives Ostmann and Luetkenhaus
House Resolution No. 1726 - Representative Treadway
House Resolution No. 1727
and
House Resolution No. 1728 - Representative Scott
House Resolution No. 1729 - Representative Ransdall
House Resolution No. 1730
through
House Resolution No. 1737 - Representative Scott
House Resolution No. 1738 - Representative Summers
House Resolution No. 1739 - Representative Sallee
House Resolution No. 1740 - Representative Vogel
House Resolution No. 1741 - Representative Patek
House Resolution No. 1742 - Representative Boucher, et al
House Resolution No. 1743 - Representative Boucher
House Resolution No. 1744
through
House Resolution No. 1749 - Representative Riback Wilson (25)
House Resolution No. 1750
and
House Resolution No. 1751 - Representative Legan
House Resolution No. 1752
through
House Resolution No. 1754 - Representative Kelley (47)
House Resolution No. 1755
and
House Resolution No. 1756 - Representative Ransdall

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 573 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 597 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 683 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SBs 757 & 602 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SBs 806 & 537 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 842 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 885 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 892 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 926 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 974 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HS HCS HB 1076, relating to reading ability and promotion, was placed on the Informal Calendar.

SCS HCS HBs 1386 & 1086, as amended, relating to financial exploitation, was taken up by Representative Britt.

Representative Britt moved that the House refuse to adopt **SCS HCS HBs 1386 & 1086, as amended**, and request the Senate to recede from its position and take up and pass the bill, or, failing to do so, grant the House a conference.

Which motion was adopted.

BILL IN CONFERENCE

CCR HS HCS SB 788, as amended, relating to employee rights, was taken up by Representative Barry.

On motion of Representative Barry, **CCR HS HCS SB 788, as amended**, was adopted by the following vote:

AYES: 146

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McClelland	McKenna	McLuckie	Merideth
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Secrest
Seigfreid	Selby	Shields	Skaggs	Smith
Summers	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 001

Reid

ABSENT WITH LEAVE: 014

Burton	Dougherty	Elliott	Holand	Linton
Lograsso	McBride	Miller	Murphy	Scott
Shelton	Stokan	Surface	Williams 121	

VACANCIES: 002

On motion of Representative Barry, **CCS HS HCS SB 788** was truly agreed to and finally passed by the following vote:

AYES: 151

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle

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Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McClelland	McKenna
McLuckie	Merideth	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Elliott	Holand	Lograsso	McBride
Miller	Robirds	Shelton	Stokan	

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Riley moved that motion lay on the table.

The latter motion prevailed.

MOTION

Representative Foley moved that Rule 26 be suspended to allow House conferees to meet while the House is in session on May 12, 2000.

Which motion was adopted by the following vote:

AYES: 150

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McClelland	McKenna	McLuckie	Merideth
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard	Burton	Elliott	Hagan-Harrell	Holand
Lograsso	McBride	Miller	Shelton	Stokan

VACANCIES: 002

BILLS IN CONFERENCE

CCR HCS SB 741, as amended, relating to water pollution control, was taken up by Representative Backer.

On motion of Representative Backer, **CCR HCS SB 741, as amended**, was adopted by the following vote:

AYES: 151

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Black	Blunt	Boatright
Bonner	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster

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Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkstresser	Boucher 48	Burton	Elliott	Hohulin
Holand	Kasten	Lograsso	Miller	Stokan

VACANCIES: 002

On motion of Representative Backer, **HCS SB 741, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 155

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab

Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Burton	Elliott	Lograsso	Miller	Stokan
Williams 121				

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Williams (159), title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

Speaker Pro Tem Kreider assumed the Chair.

CCR SCS HB 1292, as amended, relating to health insurance, was taken up by Representative Auer.

On motion of Representative Auer, **CCR SCS HB 1292, as amended**, was adopted by the following vote:

AYES: 150

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland

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McKenna	Merideth	Monaco	Murray	Myers
Naeger	Nordwald	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wright	Mr. Speaker

NOES: 005

Kelly 27	Levin	McLuckie	Murphy	Schilling
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PRESENT: 000

ABSENT WITH LEAVE: 006

Burton	Lograsso	Miller	O'Connor	Stokan
Wilson 42				

VACANCIES: 002

On motion of Representative Auer, **CCS SCS HB 1292** was read the third time and passed by the following vote:

AYES: 153

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Monaco	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 004

Kelly 27	McLuckie	Murphy	Schilling
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PRESENT: 000

ABSENT WITH LEAVE: 004

Burton Lograsso Miller Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Backer moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

CCR HS SB 1053, as amended, relating to profiling, was taken up by Representative Days.

On motion of Representative Days, **CCR HS SB 1053, as amended**, was adopted by the following vote:

AYES: 130

Abel	Auer	Backer	Barnett	Barry 100
Bartle	Berkowitz	Berkstresser	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hegeman	Hendrickson
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Kasten	Kelley 47	Kelly 27	Kennedy	King
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Liese	Long	Loudon	Luetkemeyer
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Monaco	Murray	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pryor	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Ross	Scheve
Schilling	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Surface
Thompson	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 023

Akin	Alter	Ballard	Bartelsmeyer	Bennett
Boatright	Dolan	Griesheimer	Hartzler 124	Hohulin
Howerton	Kissell	Levin	Linton	Marble
Murphy	Naeger	Pouche 30	Purgason	Robirds
Schwab	Summers	Townley		

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PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Elliott	Hickey	Lograsso	Luetkenhaus
Miller	Sallee	Stokan		

VACANCIES: 002

On motion of Representative Days, **CCS HS SB 1053** was truly agreed to and finally passed by the following vote:

AYES: 132

Abel	Auer	Backer	Barnett	Barry 100
Bartle	Berkowitz	Berkstresser	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hegeman
Hendrickson	Hilgemann	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Liese	Long
Loudon	Luetkemeyer	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murray	Myers	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pryor	Ransdall	Reid	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 023

Akin	Alter	Ballard	Bartelsmeyer	Bennett
Boatright	Dolan	Griesheimer	Hartzler 124	Hohulin
Kissell	Levin	Linton	Marble	Murphy
Naeger	Pouche 30	Purgason	Reinhart	Robirds
Schwab	Summers	Townley		

PRESENT: 000

ABSENT WITH LEAVE: 006

Burton	Hickey	Lograsso	Luetkenhaus	Miller
Stokan				

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Curls moved that motion lay on the table.

The latter motion prevailed.

CCR SJR 50, as amended, relating to bingo, was taken up by Representative Scheve.

On motion of Representative Scheve, **CCR SJR 50, as amended**, was adopted by the following vote:

AYES: 126

Abel	Alter	Auer	Backer	Barnett
Barry 100	Bennett	Berkowitz	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Cierpiot	Clayton
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Elliott	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hickey	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Liese	Long	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McBride	McKenna	Merideth	Monaco
Murray	Myers	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Parker	Patek	Pouche 30
Pryor	Ransdall	Reid	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Secrest	Seigfreid	Selby	Shields	Smith
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 021

Akin	Ballard	Bartelsmeyer	Bartle	Berkstresser
Boatright	Chrismer	Crawford	Froelker	Gross
Hendrickson	Hohulin	Howerton	Levin	Marble
McClelland	Murphy	Phillips	Purgason	Skaggs
Summers				

PRESENT: 000

ABSENT WITH LEAVE: 014

Burton	Dougherty	Enz	Linton	Lograsso
Loudon	McLuckie	Miller	O'Connor	Reinhart
Scott	Shelton	Stokan	Wagner	

VACANCIES: 002

On motion of Representative Scheve, **SJR 50** was truly agreed to and finally passed by the following vote:

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AYES: 128

Abel	Auer	Backer	Barnett	Barry 100
Bennett	Berkowitz	Black	Blunt	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Cierpiot	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hickey	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Liese
Long	Luetkemeyer	Luetkenhaus	May 108	Mays 50
McBride	McKenna	Merideth	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Pouche 30	Pryor	Ransdall	Reid	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Schwab	Secrest	Seigfreid	Selby	Shelton
Shields	Smith	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 024

Akin	Alter	Ballard	Bartelsmeyer	Bartle
Berkstresser	Boatright	Chrismer	Crawford	Foster
Gross	Hegeman	Hendrickson	Hohulin	Howerton
Levin	Marble	McClelland	Phillips	Purgason
Reinhart	Skaggs	Summers	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Kasten	Linton	Lograsso	Loudon
McLuckie	Miller	Scott	Stokan	

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Berkowitz, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Kelly (27) moved that motion lay on the table.

The latter motion prevailed.

HCS HB 1967, with Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1, as amended, and Senate Amendment No. 1, relating to St. Louis Boundary Commission, was taken up by Representative Hoppe.

Representative Hoppe moved that the House concur in **Senate Amendment No. 1 to HCS HB 1967**, but refuse to concur in **Senate Amendment No. 1 to Senate Committee Amendment No. 1** and **Senate Committee Amendment No. 1, as amended**, and request the Senate to recede from its position on **Senate Amendment No. 1 to Senate Committee Amendment No. 1** and **Senate Committee Amendment No. 1, as amended**, and take up and pass **HCS HB 1967, as amended**.

Representative Shields requested a division of the question on the motion to concur in **Senate Amendment No. 1**, but refusing to concur in **Senate Amendment No. 1 to Senate Committee Amendment No. 1** and **Senate Committee Amendment No. 1, as amended**, to **HCS HB 1967**.

On motion of Representative Hoppe, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 156

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 002

Brooks King

ABSENT WITH LEAVE: 003

Burton Miller Stokan

VACANCIES: 002

Representative Hoppe moved that the House refuse to concur in **Senate Amendment No. 1 to Senate Committee Amendment No. 1** and **Senate Committee Amendment No. 1**, as amended.

Which motion was adopted by the following vote:

AYES: 142

Abel	Akin	Alter	Auer	Ballard
Barnett	Barry 100	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hendrickson	Hickey	Hohulin
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Shelton	Shields	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 007

Backer	Bartelsmeyer	Chrismer	Evans	Froelker
Selby	Summers			

PRESENT: 000

ABSENT WITH LEAVE: 012

Burton	Gaskill	Hegeman	Hilgemann	Holand
Levin	Miller	Monaco	O'Toole	Sallee
Stokan	Wiggins			

VACANCIES: 002

Representative Hoppe moved that **HCS HB 1967, with Senate Amendment No. 1**, be third read and finally passed, and request the Senate to recede from its position on **Senate Amendment No. 1 to Senate Committee Amendment No. 1** and **Senate Committee Amendment No. 1**, as amended, and take up and pass the bill.

Which motion was adopted by the following vote:

AYES: 147

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 003

Bartelsmeyer	Gibbons	Murphy
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PRESENT: 001

Brooks

ABSENT WITH LEAVE: 010

Burton	Harlan	Hickey	Hilgemann	Hohulin
Kasten	Miller	Monaco	Robirds	Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Abel	Akin	Alter	Auer	Backer
Barnett	Bartle	Berkowitz	Berkstresser	Black
Blunt	Bonner	Boucher 48	Boykins	Bray 84
Britt	Campbell	Champion	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham 24	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelley 47

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Kelly 27	Kennedy	Kissell	Klindt	Koller
Kreider	Lakin	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	Merideth	Murphy	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Pouche 30	Pryor
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 014

Ballard	Bartelsmeyer	Bennett	Boatright	Chrismer
Elliott	Gibbons	Gross	Hohulin	King
Lograsso	Phillips	Purgason	Wright	

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 011

Barry 100	Burton	Graham 106	Harlan	Hilgemann
Kasten	Lawson	McLuckie	Miller	Monaco
Stokan				

VACANCIES: 002

On motion of Representative Boucher, title to the bill was agreed to.

Representative Bray moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILLS

HCS SS SCS SBs 678 & 742, as amended, relating to judicial and administrative procedure, was taken up by Representative May (108).

Representative Crump moved the previous question on the motion to adopt **HCS SS SCS SBs 678 & 742, as amended**.

Which motion was adopted by the following vote:

AYES: 083

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser

Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Smith	Thompson	Treadway	Troupe	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 071

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hegeman	Hendrickson
Hohulin	Holand	Howerton	Kasten	Kelley 47
King	Klindt	Legan	Levin	Linton
Lograsso	Long	Loudon	Luetkemeyer	Marble
McClelland	Murphy	Myers	Naeger	Nordwald
Ostmann	Patek	Phillips	Pouche 30	Pryor
Purgason	Reid	Reinhart	Ridgeway	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Shields	Summers	Surface	Townley	Tudor
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton	Hartzler 124	Miller	Richardson	Skaggs
Stokan	Vogel			

VACANCIES: 002

Representative Hohulin requested verification of the roll call on the motion to call the previous question.

On motion of Representative May (108), **HCS SS SCS SBs 678 & 742, as amended**, was adopted.

On motion of Representative May (108), **HCS SS SCS SBs 678 & 742, as amended**, was read the third time and passed by the following vote:

AYES: 115

Abel	Auer	Backer	Barry 100	Bennett
Berkowitz	Black	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Cierpiot	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Enz	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	Gibbons	Graham 106	Graham 24
Gratz	Green	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Hosmer
Howerton	Kelley 47	Kelly 27	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson

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Liese	Lograsso	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
Merideth	Monaco	Murray	Myers	Naeger
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Ransdall	Reid	Reinhart	Relford
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Schwab	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 039

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Berkstresser	Blunt	Boatright	Chrismer
Crawford	Dolan	Elliott	Evans	Froelker
Gaskill	George	Griesheimer	Gross	Hegeman
Hohulin	Hoppe	Kasten	Kennedy	Legan
Linton	Long	Loudon	Murphy	Phillips
Pouche 30	Pryor	Purgason	Reynolds	Robirds
Secrest	Shields	Townley	Wright	

PRESENT: 001

Levin

ABSENT WITH LEAVE: 006

Burton	McLuckie	Miller	Nordwald	Scott
Stokan				

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

HCS SS #2 SCS SBs 757 & 602, relating to protection of children, was taken up by Representative Scheve.

Representative Scheve offered **HS HCS SS #2 SCS SBs 757 & 602**.

Representative Dougherty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 38, Section 210.195, Line 4 of said page, by inserting after all of said line the following:

"431.056. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account and admission to a shelter for victims of domestic violence, as defined in section 455.200, RSMo, or a homeless shelter if:

- (1) The minor is sixteen or seventeen years of age; and**
- (2) The minor is homeless, as defined in subdivisions (1), (2) and (3) of subsection 1 of section 167.020, RSMo, or a victim of domestic violence, as defined in section 455.200, RSMo, unless the child is under the supervision of the division of family services or the jurisdiction of the juvenile court; and**
- (3) The minor is self-supporting; and**
- (4) The minor's parents have consented to the minor living independent of the parents' control."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Ostmann offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 45, Section 566.068, Line 20, by inserting after all of said line the following:

"568.065. 1. A person commits the crime of genital mutilation if such person:

- (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than seventeen years of age; or**
- (2) Is a parent, guardian or other person legally responsible for a female child less than seventeen years of age and permits the excision or infibulation, in whole or in part, of the labia majora, labia minora, vulva or clitoris of such female child.**

2. Genital mutilation is a class B felony.

3. Belief that the conduct described in subsection 1 of this section is required as a matter of custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to this section.

4. It is an affirmative defense that the defendant engaged in the conduct charged which constitutes genital mutilation if the conduct was:

- (1) Necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine in this state; or**
- (2) Performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with such labor or birth by a person licensed to practice medicine in this state."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Ostmann, **House Amendment No. 2** was adopted.

Representative Schilling offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 10, Section 210.109, Line 10 of said page, by inserting after all of said line the following:

- "210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:
- (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;
 - (2) "Central registry", a registry of persons where the division has found probable cause to believe or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime [under] **pursuant to** section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime [under] **pursuant to** chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;
 - (3) "Child", any person, regardless of physical or mental condition, under eighteen years of age;
 - (4) "Director", the director of the Missouri division of family services;
 - (5) "Division", the Missouri division of family services;
 - (6) "Family assessment and services", an approach to be developed by the division of family services which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;
 - (7) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;
 - (8) **"Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;**
 - (9) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;
- [(9)] **(10) "Probable cause"**, available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;
- [(10)] **(11) "Report"**, the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;
- [(11)] **(12) "Those responsible for the care, custody, and control of the child"**, those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child."; and

Further amend said bill, Page 10, Section 210.115, Line 17 of said page, by inserting at the end of said line the following: **"jail or detention center personnel"**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Schilling, **House Amendment No. 3** was adopted.

Representative Bonner offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 45, Section 566.068, Line 20, by inserting after all of said line the following:

"568.052. 1. As used in this section, the following terms mean:

- (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;**
- (2) "Injury", physical harm to the body of a person;**
- (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;**
- (4) "Unattended", not accompanied by an individual fourteen years of age or older.**

2. A person commits the crime of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian, such person shall be guilty of a class C felony.

3. A person commits the crime of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian, such person shall be guilty of a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Bonner, **House Amendment No. 4** was adopted.

Representative Gross offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 44, Section 559.115, Line 9, by inserting after said line all of the following:

"566.010. As used in chapters 566 and 568, RSMo, the following terms mean:

- (1) "Deviate sexual intercourse"[means], any act involving the genitals of one person and the **hand**, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;**
- (2) "Sexual conduct" [means], sexual intercourse, deviate sexual intercourse or sexual contact;**
- (3) "Sexual contact" [means], any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, for the purpose of arousing or gratifying sexual desire of any person;**
- (4) "Sexual intercourse" [means], any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.";** and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Gross, **House Amendment No. 5** was adopted.

Representative Richardson offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 44, Section 453.005, Line 18 of said page, by inserting after all of said line the following:

"453.011. 1. In all cases in which the termination of parental rights or adoption of a child is contested by any person or agency, the trial court shall, consistent with due process, expedite the contested termination or adoption proceeding by entering such scheduling orders as are necessary to ensure that the case is not delayed, and such case shall be given priority in setting a final hearing of the proceeding and shall be heard at the earliest possible date over other civil litigation, other than division of family services' child protection cases.

2. In all cases as specified in subsection 1 of this section which are appealed from the decision of a trial court:

(1) The transcript from the prior court proceeding shall be provided to the appellate court no later than thirty days from the date the appeal is filed; and

(2) The appellate court shall, consistent with its rules, expedite the contested termination of parental rights or adoption case by entering such scheduling orders as are necessary to ensure that a ruling will be entered within thirty days of the close of oral arguments, and such case shall be given priority over all other civil litigation, other than division of family services' child protection cases, in reaching a determination on the status of the termination of parental rights or of the adoption; and

(3) In no event shall the court permit more than one request for an extension by either party.

3. It is the intent of the general assembly that the permanency of the placement of a child who is the subject of a termination of parental rights proceeding or an adoption proceeding not be delayed any longer than is absolutely necessary consistent with the rights of all parties, but that the rights of the child to permanency at the earliest possible date be given priority over all other civil litigation other than division of family services' child protection cases."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Richardson, **House Amendment No. 6** was adopted.

Representative Kelly (27) offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 19, Section 210.145, Line 9, by inserting after all of said line the following:

"Such notification shall not preclude nor present any investigation by law enforcement".

On motion of Representative Kelly (27), **House Amendment No. 7** was adopted.

Representative Parker offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Page 38, Section 210.195, Line 4 of said page, by inserting after all of said line the following:

"407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in **subsection 1 of this section** shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by **subsection 1 of this section** with the intent to defraud shall be guilty of a class D felony.

4. **A person commits the unlawful practice of computer invasion of privacy when he or she uses a computer, computer network, computer program, computer software, or computer system and intentionally examines, without authorization of the owner of the computer or computer equipment, any employment, salary, credit or any other financial or personal information relating to any other person. "Examination" under this section requires that the person review the information relating to any other person after the time at which the person knows or should know that he or she is without authority from the owner of the computer or computer equipment to view the information displayed.**

5. **The unlawful practice of computer invasion of privacy is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more, in which case computer invasion of privacy is a class C felony.**

6. **A person commits the unlawful practice of tampering with computer equipment if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:**

(1) **Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or**

(2) **Modifies, destroys, damages, or takes any computer, computer system, or computer network.**

7. **The unlawful practice of tampering with computer equipment is a class A misdemeanor, unless:**

(1) **The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is seven hundred fifty dollars or more, in which case it is a class C felony; or**

(2) **The damage to such computer equipment or to the computer, computer system, or computer network is seven hundred fifty dollars or greater, in which case it is a class C felony.**

8. **A person commits the unlawful practice of tampering with computer users if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:**

(1) **Accesses or causes to be accessed any computer, computer system, or computer network; or**

(2) **Denies or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or in part, is owned by, under contract to, or operated for, or on behalf of, or in conjunction with another.**

9. **The unlawful practice of tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more, in which case tampering with computer users is a class D felony.**

10. [It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and] The attorney general shall have concurrent original jurisdiction to commence [such] criminal actions [throughout the state] **pursuant to subsections 1 and 3 of this section in all**

counties of the second, third and fourth classification where such violations have occurred. The attorney general shall have concurrent original jurisdiction to commence criminal actions pursuant to subsections 4 through 9 of this section in all counties of the third classification which do not employ a full-time prosecuting attorney.

11. In order for the attorney general to commence any state prosecution pursuant to subsection 10 of this section for violations of this section, the attorney general shall prepare and forward a report of the violations to the appropriate prosecuting attorney. Upon receiving a referral, the prosecuting attorney shall either commence a prosecution based on the report by the filing of a complaint, information, or indictment within sixty days of receipt of said report or shall file a written statement with the attorney general explaining why criminal charges should not be brought. This time period may be extended by the prosecuting attorney with the agreement of the attorney general for an additional sixty days. If the prosecuting attorney fails to commence a prosecution and fails to file a written statement listing the reasons why criminal charges should not be brought within the appropriate time period, or declines to prosecute on the basis of inadequate office resources, the attorney general may commence prosecutions for violations of this section.

[5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court.]"; and

Further amend said bill, Page 44, Section 491.074, Line 24 of said page, by inserting after all of said line the following:

"541.033. Persons accused of committing offenses against the laws of this state[, except as may be otherwise provided by law,] shall be prosecuted:

(1) In the county in which the offense is committed; or
 (2) If the offense is committed partly in one county and partly in another, [or if the elements of the crime occur in more than one county,] then in any of the counties where any [element] **conduct in furtherance** of the offense occurred;

(3) If subdivision (1) or (2) does not apply, then in the county in which the victim resided; or

(4) In such venue as otherwise provided by law.

542.281. 1. Any police officer, sheriff or deputy sheriff may make application for the issuance of a search warrant to search for and seize:

(1) Obscene matter being held or displayed for sale, exhibition, distribution, or circulation to the public;
 (2) Matter that is pornographic for minors being held or displayed for sale, exhibition, distribution, or circulation to minors;

(3) Property which has been used by the owner, or used with his consent, as a raw material or as an instrument to publish or produce such matter as described in [subdivisions (1) and (2) of] this subsection.

2. A warrant to search for and seize the matters and property described in subsection 1 of this section as evidence in a criminal proceeding pursuant to chapter 573, RSMo, may be issued by a judge of the circuit court in the county or judicial district in which the alleged matter or property is located. Except as provided in this section, the issuance of a warrant to search for and seize obscene matter shall be governed by the provisions of section 542.276. Notwithstanding subsection 3 of section 542.276, oral testimony may be considered.

3. The application and the warrant, if issued, shall designate precisely by title, or otherwise, each item to be searched for and seized.

4. No warrant shall be issued to search for and seize any item unless the judge determines there is probable cause to believe that such item is obscene as defined in section 573.010, RSMo, and is being displayed, sold, exhibited, distributed, or circulated to the public or is pornographic for minors as defined in section 573.010, RSMo, and is being displayed, sold, exhibited, distributed or circulated to minors.

5. If the item to be seized is a book, magazine, paper, or pamphlet or an item that may be photographed, a copy

or photograph of the allegedly obscene item may be annexed to the application.

6. If the item to be seized is a motion picture film or video cassette, written affidavits verified by oath or affirmation of law enforcement officers and city or county prosecutors may supplement the application.

7. An officer in making his application for a warrant may rely on past viewings of a motion picture film or video cassette that is the same as the motion picture film or video cassette to be seized if the film or video cassette can be identified as the same as or a copy of, the prior viewed film or video cassette by the title of the film or video cassette or the package or label on or surrounding the film or video cassette or some other manner.

8. If the purpose of applying for a warrant is to search for and seize obscene material, **other than child pornography as defined in section 573.010, RSMo**, for other than evidentiary purposes, the judge shall hold an adversary hearing to determine whether such matter is obscene before issuing a warrant. Not less than twenty-four hours before such hearing, written notice of the date, time, place and nature of the hearing, including a description of the matter sought, shall be personally served upon the dealer, exhibitor, displayer or his agent. No warrant shall be issued without the dealer, distributor, or displayer being given a reasonable opportunity to appear in opposition to the issuance. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or his agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be seized pursuant to this subsection is obscene. Except when the dealer, exhibitor, or displayer consents to a longer period, or by his actions or pleadings, willfully prevents the prompt resolution of the hearing, a decision shall be rendered no later than ten days from the date of the commencement of the hearing. After service of notice of the hearing, or subpoena, or the execution of a search warrant, intentional alteration, destruction, or removal of any matter, or duplicate of matter, described in the notice shall be punished as contempt of court.

556.046. 1. A defendant may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when:

- (1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
- (2) It is specifically denominated by statute as a lesser degree of the offense charged; or
- (3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.

2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a basis for a verdict acquitting the defendant of the offense charged and convicting him of the included offense. **An offense is charged for purposes of this section if:**

- (1) **It is in an indictment or information; or**
- (2) **It is an offense submitted to the jury because there is a basis for a verdict acquitting the defendant of the offense charged and convicting the defendant of the included offense.**

3. **The court shall be obligated to instruct the jury with respect to a particular included offense only if there is a basis in the evidence for acquitting the defendant of the immediately higher included offense and there is a basis in the evidence for convicting the defendant of that particular included offense."**; and

Further amend said bill, Page 51, Section 559.115, Line 3 of said page, by inserting after all of said line the following:

"565.090. 1. A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he

- (1) Communicates [in writing or by telephone] **by any means** a threat to commit any felony; or
- (2) [Makes a telephone call or communicates in writing and] Uses coarse language offensive to one of average sensibility **in the course of communicating to another person**; or
- (3) [Makes a telephone call anonymously] **Communicates in a manner that does not reveal the person's identity**; or
- (4) [Makes repeated telephone calls] **Repeatedly communicates to another person.**

2. Harassment is a class A misdemeanor.

565.225. 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat made with the intent to cause the person who is the target of the threat to

reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person **and includes a threat communicated to the targeted person by any means including the posting of a site or message that is accessible via a computer and is reasonably likely to cause the targeted person to reasonably fear for his or her safety if made aware of the content of the site or message;**

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

2. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.

3. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the crime of aggravated stalking.

4. The crime of stalking shall be a class A misdemeanor for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class C felony.

6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

565.252. 1. A person commits the crime of invasion of privacy in the first degree if he or she knowingly photographs or films another person, without the person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where he or she would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer.

2. Invasion of privacy in the first degree is a class C felony.

565.253. 1. A person commits the crime of invasion of privacy **in the second degree** if he **or she** knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where he **or she** would have a reasonable expectation of privacy.

2. Invasion of privacy **in the second degree** is a class A misdemeanor; unless more than one person is viewed, photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a prior invasion of privacy offender, in which case invasion of privacy is a class C felony. Prior pleas or findings of guilt shall be pled and proven in the same manner required by the provisions of section 558.021, RSMo."; and

Further amend said bill, Page 51, Section 566.111, Line 20 of said page, by inserting after all of said line the following:

"568.085. 1. A person at least seventeen years of age commits the crime of indecent solicitation of a child if such person solicits a child less than thirteen years of age to do any act, or solicits another person to arrange an act with a child less than thirteen years of age, which if done would be forcible rape, statutory rape in the first degree, sexual assault, forcible sodomy, statutory sodomy in the first degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault or sexual abuse.

2. It is not a defense to indecent solicitation of a child that the accused reasonably believed the child to be thirteen years of age or older.

3. Any person who commits indecent solicitation of a child is guilty of a class D felony.

4. For the purposes of this section, "solicits" includes but is not limited to oral or written communication and communication by telephone, computer or other electronic means."; and

Further amend said bill, Page 53, Section 569.093, Line 36 of said page, by inserting after all of said line the following:

"569.095. 1. A person commits the crime of tampering with computer data if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

(2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

(3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

(4) Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network;

(5) Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person;

(6) Receives, retains, uses, or discloses any data he knows or believes was obtained in violation of this subsection.

2. Tampering with computer data is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is [one hundred fifty] **seven hundred fifty** dollars or more, in which case tampering with computer data is a class D felony."; and

Further amend said bill, Page 57, Section 573.010, Line 14 of said page, by inserting after all of said line the following:

"573.017. Any city, town and county may enact and enforce an ordinance prohibiting public nudity, or any live electronic transmission via Internet of any live public nudity, that substantially complies with *City of Erie v. Pap's A.M. TDBA "Kandyland"*, No. 98-1161, decided by the Supreme Court of the United States on March 29, 2000."; and

Further amend said bill, Page 62, Section 573.040, Line 11 of said page, by inserting after all of said line the following:

"578.524. 1. Any school district as defined in section 160.011, RSMo, any university or state college organized pursuant to chapters 172 through 174, RSMo, or any technical or vocational school organized pursuant to chapter 178, RSMo, that provides computers accessible to its students or the public shall, on or before July 1, 2002, develop a written computer use policy designed to prevent minors from gaining access to material which is pornographic for minors.

2. The board of any library which receives state funds and provides public access to its computers shall, on or before July 1, 2002, develop a written computer use policy designed to prevent minors from gaining access to material which is pornographic for minors.

3. Any school district, university, state college, vocational school, technical school or library described in subsections 1 and 2 of this section that does not comply with the requirements of this section by July 1, 2002, shall not expend any state funds for the purchase of computers, computer equipment, computer programs or computer services until such time as that entity has met the requirements of this section."; and

Further amend said bill, Page 64, Section 589.410, Lines 18 to 23 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the [central repository] within [ten] **three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.**

2. The department of public safety shall develop and maintain a system for making the registry of persons who have pled guilty to or been convicted of a third or subsequent sexual offense requiring registration, and have demonstrated predatory behavior, available on its Internet web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; of such conviction or plea regarding such crime; age and gender of the victim at the time of the

offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.

3. The information shall be removed from the Internet after twenty years unless the offender has pled guilty to or been found guilty of a sexual offense pursuant to chapter 566, RSMo, during such time period."; and

Further amend said bill, Page 67, Section 589.425, Line 18 of said page, by inserting after all of said line the following:

"595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with [section 514.015] **sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4. The remaining funds collected [under] pursuant to subsection 1 of this section shall be devoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system, which may include Internet capabilities, is established pursuant to subsection 3 of section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:**

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

[4.] **5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.**

[5.] **6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by [section 514.015] sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:**

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor [under] **pursuant to** the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and] **9**

and 10 of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to [section 514.015] **sections 488.010 to 488.020**, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims [under] **pursuant to** sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;
- (2) "Office", the office for victims of crime;
- (3) "Private agency", a private agency as defined in section 590.010, RSMo;
- (4) "Public agency", a public agency as defined in section 590.010, RSMo;
- (5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The "Office for Victims of Crime" is hereby created within the department of public safety for the purpose of promoting the fair and just treatment of victims of crime, including victims of computer crimes. The 0000office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies regarding their interrelation in the provision of victim services and other issues related to victims of crime. The office may directly assist victims of crime in seeking services and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime, the office shall develop and coordinate the implementation of a response plan to meet the needs of any resulting victims of crime.

2. The department of corrections shall cooperate with the office for victims of crime in the establishment of a system to reimburse victims of crime for attending parole hearings. The office may reimburse a person for the costs of mileage and lost wages incurred by attendance at a parole hearing arising from a crime directly responsible for such person's status as a victim of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation, and maintenance of any such system. When the fiscal resources are available, the system may include Internet computer capabilities.

4. The department of public safety may promulgate reasonable rules to meet the objectives of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Smith offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1
for
House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 757 & 602, Section 491.074, Page 39, Line 6, by inserting immediately after said line the following:

"541.033. Persons accused of committing offenses against the laws of this state, [except as may be otherwise provided by law,] shall be prosecuted:

- (1) In the county in which the offense is committed; or
- (2) If the offense is committed partly in one county and partly in another, [or if the elements of the crime occur in more than one county,] then in any of the counties where any [element] **conduct in furtherance** of the offense occurred; or
- (3) **If subdivision (1) or (2) does not apply, then in the county in which the victim resided; or**
- (4) **In such venue as otherwise provided by law.**

541.155. Any person charged with fraudulent use of a credit device, or any stealing offense in which another person's credit card number was fraudulently used for the purpose of obtaining property or services of another, shall be prosecuted:

- (1) **In the county in which the offense is committed; or**
- (2) **If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; or**
- (3) **In the county in which the defendant resides; or**
- (4) **In the county in which the victim resides; or**
- (5) **In the county in which the property obtained or attempted to be obtained was located.";** and

556.036. 1. A prosecution for murder or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months.

3. If the period prescribed in subsection 2 has expired, a prosecution may nevertheless be commenced for:

- (1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved

party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.; **and**

(4) Any offense in violation of sections 578.500 to 578.521, RSMo, within one year after the discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this section, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to sections 578.518 and 578.521, RSMo, for offenses committed pursuant to sections 578.500 to 578.521, RSMo.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced either when an indictment is found or an information filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo."; and

Further amend said bill, Page 45, Section 559.115, Line 9 of said page, by inserting immediately after said line the following:

"565.090. Harassment

1. A person commits the crime of harassment if for the purpose of frightening or disturbing another person, [he] **such person:**

(1) Communicates [in writing or by telephone] **by any means** a threat to commit any felony; or

(2) [Makes a telephone call or communicates in writing and] Uses course language offensive to one of average sensibility **in the course of communication to another person;** or

(3) [Makes a telephone call anonymously] **Repeatedly communicates to another person.**

2. Harassment is a class A misdemeanor **except that a violation of subdivision (1) of this section is a class D felony.**

565.225. 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person **and includes a threat communicated to the targeted person in writing, including electronic communications, by telephone, or by the posting of a site or message that is publicly accessible via a computer and is reasonably likely to cause the targeted person to reasonably fear for his or her safety if made aware of the content of the site or message;**

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

2. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.

3. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another

person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the crime of aggravated stalking.

4. The crime of stalking shall be a class A misdemeanor for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony for the first offense. A second or subsequent offense within five years of a previous finding or plea of guilt against any victim shall be a class C felony.

6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

565.252. 1. A person commits the crime of invasion of privacy in the first degree if he or she knowingly photographs, films or otherwise visually records another person, with or without that person's knowledge and consent, while the person being photographed, filmed or recorded is in a state of full or partial nudity and is in a place where he or she would have a reasonable expectation of privacy, and the person subsequently distributes or allows to be viewed, without the other person's consent, the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer.

2. Invasion of privacy in the first degree is a class C felony.

565.253. 1. A person commits the crime of invasion of privacy **in the second degree** if he **or she** knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where he **or she** would have a reasonable expectation of privacy.

2. Invasion of privacy **in the second degree** is a class A misdemeanor; unless more than one person is viewed, photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a prior invasion of privacy offender, in which case invasion of privacy is a class C felony. Prior pleas or findings of guilt shall be pled and proven in the same manner required by the provisions of section 558.021, RSMo.”; and

Further amend said bill, Page 45, Section 566.068, Line 20, by inserting immediately after said line the following:

“568.085. 1. A person at least seventeen years of age commits the crime of indecent solicitation of a child if such person solicits a child less than thirteen years of age to do any act, or solicits another person to arrange an act with a child less than thirteen years of age, which if done would be forcible rape, statutory rape in the first degree, sexual assault, forcible sodomy, statutory sodomy in the first degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault or sexual abuse.

2. It is not a defense to indecent solicitation of a child that the accused reasonably believed the child to be thirteen years of age or older.

3. Any person who commits indecent solicitation of a child is guilty of a class D felony.

4. For the purposes of this section, "solicits" includes but is not limited to oral or written communication and communication by telephone, computer or other electronic means.”; and

Further amend said bill, Page 46, Section 568.110, Line 13, by inserting immediately after said line the following:

“569.070. 1. A person commits the crime of causing catastrophe if [he] such person:

(1) Knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release of poison, radioactive material, bacteria, virus, computer virus or other dangerous and difficult to confine force or substance; or

(2) Knowingly and without authorization alters any computer network or program with the purpose of causing a catastrophe by one or more of the events listed in subdivision (1) of this subsection.

2. "Catastrophe" means death or serious physical injury to ten or more people or substantial damage to [five or more buildings or inhabitable structures] **a building or inhabitable structure** or substantial damage to a **private or public utility, vital public facility or public service** which seriously impairs its usefulness or operation.

3. Causing catastrophe is a class A felony.”; and

Further amend said bill, Page 47, Section 569.093, Line 36, by inserting immediately after said line the following:

[569.094. In a prosecution under sections 569.095 to 569.099, computer printouts shall be competent evidence of any computer software, program, or data contained in or taken from a computer, computer system, or computer network.]

[569.095. 1. A person commits the crime of tampering with computer data if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

(2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

(3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

(4) Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network;

(5) Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person;

(6) Receives, retains, uses, or discloses any data he knows or believes was obtained in violation of this subsection.

2. Tampering with computer data is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is one hundred fifty dollars or more, in which case tampering with computer data is a class D felony.]

[569.097. 1. A person commits the crime of tampering with computer equipment if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or

(2) Modifies, destroys, damages, or takes any computer, computer system, or computer network.

2. Tampering with computer equipment is a class A misdemeanor, unless:

(1) The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is one hundred fifty dollars or more, in which case it is a class D felony; or

(2) The damage to such computer equipment or to the computer, computer system, or computer network is one hundred fifty dollars or more but less than one thousand dollars, in which case it is a class D felony; or

(3) The damage to such computer equipment or to the computer, computer system, or computer network is one thousand dollars or greater, in which case it is a class C felony.]

[569.099. 1. A person commits the crime of tampering with computer users if he knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Accesses or causes to be accessed any computer, computer system, or computer network; or

(2) Denies or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or in part, is owned by, under contract to, or operated for, or on behalf of, or in conjunction with another.

2. The offense of tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is one hundred fifty dollars or more, in which case tampering with computer users is a class D felony.]

570.083. 1. A person who uses the Internet to sell property when that person knows or has reasonable cause to believe the property is stolen, commits theft by Internet.

2. A person who uses the Internet to purchase property with a credit card or checking account when the person knows or has reasonable cause to believe the credit card or checking account is fictitious or stolen, commits theft by Internet.

3. Theft by Internet is a class C felony regardless of the value of the stolen property.” ;and

Further amend said bill, Section 573.040, Page 56, Line 11, by inserting immediately after said line the following:

“578.503. 1. A person commits the crime of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

(1) Modifies or destroys data or programs residing or existing internal to a computer, computer system,

or computer network; or

(2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

(3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

(4) Discloses or takes a password, identifying code, personal identification number, or other confidential information relating to a computer system or network that is intended to or does control access to the computer system or network; or

(5) Receives, retains, uses, or discloses any data he or she knows or believes was obtained in violation of this subsection.

2. Tampering with computer data is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is five hundred dollars or more, in which case tampering with computer data is a class C felony.

578.506. 1. A person commits the crime of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

(1) Modifies, destroys, damages, or takes any computer equipment used or intended to be used in a computer, computer system, or computer network; or

(2) Modifies, destroys, damages, or takes any computer, computer system, or computer network.

2. Tampering with computer equipment is a class A misdemeanor, unless:

(1) The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is five hundred dollars or more, in which case it is a class C felony; or

(2) The damage to such computer equipment or to the computer, computer system, or computer network is five hundred dollars or more, in which case it is a class C felony.

578.509. 1. A person commits the crime of tampering with computer users if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

(1) Accesses or causes to be accessed any computer, computer system, or computer network; or

(2) Denies or causes the denial of computer system services to any computer user.

2. Tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is five hundred dollars or more, in which case tampering with computer users is a class C felony.

578.512. 1. A person commits the crime of computer invasion of privacy when he or she uses a computer, computer network, computer program, computer software, or computer system and intentionally examines without authorization or without reasonable grounds to believe that he or she has such authorization, any employment, salary, credit or any other financial or personal information relating to any other person. "Examination" under this section requires that the person review the information relating to any other person after the time at which the person knows or should know that he or she is without authority to view the information displayed.

2. Computer invasion of privacy is a class D felony, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is five hundred dollars or more, in which case computer invasion of privacy is a class C felony.

578.515. 1. A person commits the crime of unlawful computerized communications if, for the purpose of frightening, intimidating, threatening, or disturbing another person, he or she:

(1) Communicates by computer a threat to commit any felony; or

(2) Communicates by computer and, in the course of such communication, uses coarse language offensive to one of average sensibility; or

(3) Communicates by computer in a manner that does not reveal the person's identity; or

(4) Sends repeated communications by computer after receiving notice from the receiver that no further communications are desired.

2. Unlawful computerized communications is a class A misdemeanor, except that unlawful computerized communications pursuant to subdivision (1) or (4) of subsection 1 of this section is a class D felony.

578.518. 1. Each prosecuting attorney shall have the authority to commence any criminal actions pursuant to sections 578.500 to 578.518, and the attorney general shall have concurrent jurisdiction to commence such criminal actions pursuant to this section. In order for the attorney general to commence a state prosecution for violations of section 578.500 to 578.518, the attorney general shall prepare and forward a report of the violations

to the appropriate prosecuting attorney. Upon receiving a referral, the prosecuting attorney may commence a prosecution based on the report by the filing of a complaint, information or indictment within ten days of receipt of said report. If the prosecuting attorney commences a criminal prosecution, the attorney general or his designee shall be permitted by the court to participate as a special assistant prosecuting attorney in settlement negotiations and all court proceedings, subject to the authority of the prosecuting attorney, for the purpose of providing such assistance as may be necessary. If the prosecuting attorney fails to commence a prosecution within ten days after receiving said report, the attorney general shall have authority to commence prosecutions for violations of sections 578.500 to 578.518. In cases where a defendant pursuant to a common scheme or plan has committed acts which constitute or would constitute violations of sections 578.500 to 578.518 in more than one state, the attorney general shall have the authority to represent the state of Missouri in any plea agreement which resolves all criminal prosecutions within and without the state, and such agreement shall be binding on all state prosecutors.

2. If any element of any offense in violation of the laws of this state or any act in furtherance of any element of any offense involves access or permitted access to a computer, computer network, computer data, computer program or computer system located in whole or in part within this state, the prosecuting attorney shall have the authority to commence any criminal action and the attorney general shall have concurrent jurisdiction to commence such criminal actions pursuant to the provisions of subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

Representative Ridgeway raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 8** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Smith moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Auer	Backer	Barnett	Barry 100	Bennett
Berkowitz	Black	Blunt	Bonner	Boucher 48
Bray 84	Brooks	Campbell	Clayton	Crump
Curls	Davis 122	Days	Dougherty	Fitzwater
Ford	Franklin	Fraser	Gibbons	Graham 24
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hilgemann	Hollingsworth	Hoppe	Hosmer
Kelly 27	Kennedy	Kissell	Koller	Kreider
Lakin	Lawson	Marble	Mays 50	McClelland
McLuckie	Monaco	Patek	Ransdall	Reid
Relford	Reynolds	Riley	Rizzo	Ross
Scheve	Schilling	Seigfreid	Selby	Skaggs
Smith	Surface	Thompson	Treadway	Troupe
Tudor	Wagner	Ward	Wiggins	Williams 121
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 078

Akin	Alter	Ballard	Bartelsmeyer	Bartle
Berkstresser	Boatright	Boykins	Britt	Champion
Chrismer	Cierpiot	Crawford	Davis 63	Dolan
Elliott	Enz	Evans	Farnen	Foley
Foster	Froelker	Gambara	Gaskill	George
Graham 106	Gratz	Green	Griesheimer	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hohulin
Holand	Howerton	Kasten	Kelley 47	King

Klindt	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
McBride	Merideth	Murphy	Murray	Myers
Naeger	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Phillips	Pouche 30	Purgason	Reinhart
Richardson	Ridgeway	Robirds	Sallee	Schwab
Scott	Secrest	Shelton	Shields	Summers
Townley	Vogel	Williams 159		

PRESENT: 000

ABSENT WITH LEAVE: 009

Abel	Burton	May 108	McKenna	Miller
Nordwald	Pryor	Stokan	Van Zandt	

VACANCIES: 002

House Amendment No. 8 was withdrawn.

Representative Crump moved the previous question on the motion to adopt **HS HCS SS #2 SCS SBs 757 & 602, as amended.**

Which motion was adopted by the following vote:

AYES: 082

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Liese	Luetkenhaus	May 108	Mays 50	McBride
McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Relford	Reynolds	Riley	Rizzo	Scheve
Schilling	Seigfreid	Selby	Shelton	Skaggs
Smith	Thompson	Treadway	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 072

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Elliott	Enz	Evans	Foster	Froelker
Gaskill	Gibbons	Graham 106	Griesheimer	Gross
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hohulin	Holand	Howerton	Kasten	Kelley 47
King	Klindt	Legan	Levin	Linton
Lograsso	Long	Loudon	Luetkemeyer	Marble
McClelland	Murphy	Myers	Naeger	Nordwald
Ostmann	Patek	Phillips	Pouche 30	Pryor
Purgason	Reid	Reinhart	Ridgeway	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Shields	Summers	Surface	Townley	Tudor
Vogel	Wright			

PRESENT: 000

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ABSENT WITH LEAVE: 007

Burton	Dolan	Gunn	Miller	Richardson
Stokan	Troupe			

VACANCIES: 002

Representative Hohulin requested verification of the roll call on the motion to call the previous question.

On motion of Representative Scheve, **HS HCS SS #2 SCS SBs 757 & 602, as amended**, was adopted.

On motion of Representative Scheve, **HS HCS SS #2 SCS SBs 757 & 602, as amended**, was read the third time and passed by the following vote:

AYES: 152

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambara	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Ridgeway
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Linton	Miller	Monaco	Murphy
Richardson	Sallee	Stokan	Van Zandt	

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SB 856, as amended**: Senators Maxwell, Wiggins, Carter, Singleton and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has replaced Senator Ehlmann with Senator Kinder on the Conference Committee appointed to act with a like committee from the House on **HCS SS SS#3 SJR 35, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 894, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1082**, entitled:

An act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 28**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HS HCS HBs 1652 & 1433**, entitled:

An act to repeal sections 407.911, 407.913, 407.927, 407.929 and 407.931, RSMo 1994, relating to tobacco products, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an effective date.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 1

*Senate Substitute Amendment No. 1
for
Senate Amendment No. 1*

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1652 & 1433, Page 152, Section 196.1014, by removing all of said section 196.1014; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SCA 1, as amended**, to **HCS HB 1967** and has taken up and passed **HCS HB 1967, as amended by SA 1**.

Emergency clause adopted.

BILL CARRYING REQUEST MESSAGE

HS HCS SCS SB 894, as amended, relating to delinquent property taxes, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HS HCS SCS SB 894, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HS HCS SCS SB 894: Representatives Hoppe, Rizzo, Smith, Griesheimer and Richardson

HOUSE BILL WITH SENATE AMENDMENT

SS SCS HB 1082, relating to federal land acquisition, was taken up by Representative Crump.

On motion of Representative Crump, **SS SCS HB 1082** was adopted by the following vote:

AYES: 135

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Britt	Brooks
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Dolan
Dougherty	Enz	Evans	Fitzwater	Foley
Ford	Foster	Franklin	Froelker	Gambaro

Gaskill	George	Gibbons	Graham 106	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Hollingsworth	Hoppe
Howerton	Kelley 47	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lawson	Legan
Levin	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	Merideth
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Seigfreid	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 42	Wright	Mr. Speaker

NOES: 013

Bray 84	Campbell	Days	Farnen	Fraser
Graham 24	Hosmer	Kelly 27	McLuckie	Schilling
Selby	Van Zandt	Wilson 25		

PRESENT: 000

ABSENT WITH LEAVE: 013

Boykins	Burton	Elliott	Harlan	Hartzler 124
Holand	Kasten	Lakin	Miller	Richardson
Scheve	Shelton	Stokan		

VACANCIES: 002

On motion of Representative Crump, **SS SCS HB 1082** was truly agreed to and finally passed by the following vote:

AYES: 133

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Britt	Brooks	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Dolan	Dougherty	Enz	Evans
Fitzwater	Foley	Ford	Foster	Franklin
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Hartzler 123
Hegeman	Hendrickson	Hickey	Hohulin	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Shelton	Shields

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Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 42	Wright	Mr. Speaker		

NOES: 013

Boucher 48	Bray 84	Campbell	Days	Farnen
Fraser	Graham 24	Kelly 27	McLuckie	Schilling
Selby	Van Zandt	Wilson 25		

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer	Ballard	Boykins	Burton	Elliott
Harlan	Hartzler 124	Hilgemann	Holand	Kasten
Miller	Monaco	Richardson	Sallee	Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILLS

SCS SB 540, relating to state fair, was taken up by Representative Wiggins.

Representative Sallee offered **House Amendment No. 1**.

Representative Wiggins raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Wiggins, **SCS SB 540** was truly agreed to and finally passed by the following vote:

AYES: 142

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Dolan	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George

Gibbons	Graham 106	Graham 24	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Hoppe	Hosmer	Howerton
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Linton	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Schilling	Schwab	Scott	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Green

PRESENT: 000

ABSENT WITH LEAVE: 018

Boykins	Burton	Days	Dougherty	Elliott
Gratz	Harlan	Holand	Kasten	Kelley 47
Lograsso	Miller	Monaco	Richardson	Scheve
Secrest	Stokan	Troupe		

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

HCS SB 996, relating to passing bad checks, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS SB 996**.

Representative Kreider offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.605. As used in sections 513.600 to [513.645] **513.653**, unless the context clearly indicates otherwise, the following terms mean:

- (1) (a) "Beneficial interest":
 - a. The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or
 - b. The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person;
 - (b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located;
 - (2) "Civil proceeding", any civil suit commenced by an investigative agency under any provision of sections 513.600 to [513.645] **513.653**;
 - (3) "Criminal activity" is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the following Missouri laws:
 - (a) Chapter 195, RSMo, relating to drug regulations;
 - (b) Chapter 565, RSMo, relating to offenses against the person;
 - (c) Chapter 566, RSMo, relating to sexual offenses;
 - (d) Chapter 568, RSMo, relating to offenses against the family;
 - (e) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
 - (f) Chapter 570, RSMo, relating to stealing and related offenses;
 - (g) Chapter 567, RSMo, relating to prostitution;
 - (h) Chapter 573, RSMo, relating to pornography and related offenses;
 - (i) Chapter 574, RSMo, relating to offenses against public order;
 - (j) Chapter 575, RSMo, relating to offenses against the administration of justice;
 - (k) Chapter 491, RSMo, relating to witnesses;
 - (l) Chapter 572, RSMo, relating to gambling;
 - (m) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
 - (n) Chapter 571, RSMo, relating to weapons offenses;
 - (o) Chapter 409, RSMo, relating to regulation of securities;
 - (p) Chapter 301, RSMo, relating to registration and licensing of motor vehicles;
 - (4) "Criminal proceeding", any criminal prosecution commenced by an investigative agency under any criminal law of this state;
 - (5) "Investigative agency", the attorney general's office, or the office of any prosecuting attorney or circuit attorney;
 - (6) "Pecuniary value":
 - (a) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or
 - (b) Any other property or service that has a value in excess of one hundred dollars;
 - (7) "Real property", any estate or legal or equitable interest in land situated in this state or any interest in such real property, including, but not limited to, any lease or deed of trust upon such real property;
 - (8) **"Seizing agency", the agency which is the primary employer of the officer or agent seizing the property, including any agency in which one or more of the employees acting on behalf of the seizing agency is employed by the state of Missouri or any political subdivision of this state;**
 - (9) **"Seizure", the point at which any law enforcement officer or agent discovers and exercises any control over property that an officer or agent has reason to believe was used or intended for use in the course of, derived from, or realized through criminal activity. Seizure includes but is not limited to preventing anyone found in possession of the property from leaving the scene of the investigation while in possession of the property;**
 - (10) (a) "Trustee":
 - a. Any person who holds legal or record title to real property for which any other person has a beneficial interest;
- or
- b. Any successor trustee or trustees to any of the foregoing persons;
 - (b) "Trustee" does not include the following:

a. Any person appointed or acting as a personal representative under chapter 475, RSMo, or under chapter 473, RSMo;

b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of any indenture of trust under which any bonds are or are to be issued.

513.607. 1. All property of every kind, **including cash or other negotiable instruments**, used or intended for use in the course of, derived from, or realized through criminal activity is subject to civil forfeiture. Civil forfeiture shall be had by a civil procedure known as a CAFA forfeiture proceeding.

2. A CAFA forfeiture proceeding shall be governed by the Missouri rules of court, rules of civil procedure, except to the extent that special rules of procedure are stated herein.

3. Any property seized by a law enforcement officer or agent shall not be disposed of pursuant to section 542.301, RSMo, or by the uniform disposition of unclaimed property act, sections 447.500 through 447.595, RSMo, unless a CAFA forfeiture proceeding is unsuccessful.

4. In cases where the property is abandoned or unclaimed, an in rem CAFA forfeiture proceeding may be instituted by petition by the prosecuting attorney of the county in which the property is located or seized by the attorney general's office. The proceeding may be commenced before or after seizure of the property.

[4.] **5.** In lieu of, or in addition to, an in rem proceeding under subsection [3] **4** of this section, the prosecuting attorney or attorney general may bring an in personam action for the forfeiture of property, which may be commenced by petition before or after the seizure of property.

[5.] **6.** (1) If the petition is filed before seizure, it shall state what property is sought to be forfeited, that the property is within the jurisdiction of the court, the grounds for forfeiture, and the names of all persons known to have or claim an interest in the property. The court shall determine ex parte whether there is reasonable cause to believe that the property is subject to forfeiture and that notice to those persons having or claiming an interest in the property prior to seizure would cause the loss or destruction of the property. If the court finds that reasonable cause does not exist to believe the property is subject to forfeiture, it shall dismiss the proceeding. If the court finds that reasonable cause does exist to believe the property is subject to forfeiture but there is not reasonable cause to believe that prior notice would result in loss or destruction, it shall order service on all persons known to have or claim an interest in the property prior to a further hearing on whether a writ of seizure should issue. If the court finds that there is reasonable cause to believe that the property is subject to forfeiture and to believe that prior notice would cause loss or destruction, it shall without any further hearing or notice issue a writ of seizure directing the sheriff of the county or other authorized law enforcement agency where the property is found to seize it.

(2) Seizure may be effected by a law enforcement officer authorized to enforce the criminal laws of this state prior to the filing of the petition and without a writ of seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized. Within four days of the date of seizure, such seizure shall be reported by said officer to the prosecuting attorney of the county in which the seizure is effected or the attorney general; and if in the opinion of the prosecuting attorney or attorney general forfeiture is warranted, the prosecuting attorney or attorney general shall, within ten days after receiving notice of seizure, file a petition for forfeiture. The petition shall state, in addition to the information required in subdivision (1) of this subsection, the date and place of seizure. The burden of proof will be on the investigative agency to prove all allegations contained in the petition.

[6.] **7.** After the petition is filed or the seizure effected, whichever is later, every person known to have or claim an interest in the property shall be served, if not previously served, with a copy of the petition and a notice of seizure in the manner provided by the Missouri rules of court and rules of civil procedure. Service by publication may be ordered upon any party whose whereabouts cannot be determined or if there be unknown parties.

[7.] **8.** The prosecuting attorney or attorney general to whom the seizure is reported shall report annually by January thirty-first for the previous calendar year all seizures. Such report shall include the date, time, and place of seizure, the property seized, the estimated value of the property seized, the person or persons from whom the property was seized, the criminal charges filed, and the disposition of the seizure, forfeiture and criminal actions. The report shall be made to the director of the Missouri department of public safety and shall be considered an open record. **The prosecuting attorney or attorney general shall submit a copy of the report to the state auditor at the time the report is made to the director of the department of public safety.**

9. The state auditor shall make an annual report compiling the data received from law enforcement, prosecuting attorneys and the attorney general, and shall submit the report regarding seizures for the previous calendar year to the general assembly annually by February twenty-eighth.

10. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars."; and

Further amend said bill, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.647. 1. No state or local law enforcement agency may transfer any property seized by the state or local agency to any federal agency for forfeiture under federal law until the prosecuting attorney and the circuit judge of the county in which the property was seized first review the seizure and approve the transfer to a federal agency, **regardless of the identity of the seizing agency**. The prosecuting attorney and the circuit judge shall not approve any transfer unless it reasonably appears the activity giving rise to the investigation or seizure involves more than one state or the nature of the investigation or seizure would be better pursued under federal forfeiture statutes. No transfer shall be made to a federal agency unless the violation would be a felony under Missouri law or federal law.

2. Prior to transfer, in an ex parte proceeding, the prosecuting attorney shall file with the court a statement setting forth the facts and circumstances of the event or occurrence which led to the seizure of the property and the parties involved, if known. The court shall certify the filing, and notify by mailing to the last known address of the property owner that his property is subject to being transferred to the federal government and further notify the property owner of his right to file a petition stating legitimate grounds for challenging the transfer. If within ninety-six hours after the filing of the statement by the prosecuting attorney, the property owner by petition shows by a preponderance of the evidence that the property should not be transferred to the federal government for forfeiture, the court shall delay such transfer until a hearing may be held. If the court orders a delay in transfer, no later than ten days after the filing of a petition under this section and sections 513.649 and 513.651, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the prosecutor has proved by a preponderance of the evidence that the investigation or seizure involved more than one state or that the nature of the investigation or seizure would be better pursued under the federal forfeiture statutes, the court shall order that the transfer shall be made."; and

Further amend said bill, Page 70, Section 491.076, Line 17, by inserting after all of said line the following:

"513.653. **1.** Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures.

2. Intentional or knowing failure to comply with the audit requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Scheve resumed the Chair.

Representative Crump moved the previous question on the motion to adopt **House Amendment No. 1.**

Which motion was adopted by the following vote:

AYES: 083

Abel	Backer	Barry 100	Berkowitz	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambara
George	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Liese

Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Parker	Ransdall	Relford
Reynolds	Riley	Rizzo	Robirds	Scheve
Schilling	Seigfreid	Selby	Shelton	Skaggs
Smith	Thompson	Treadway	Troupe	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 068

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Howerton	Kelley 47	King
Legan	Levin	Linton	Lograsso	Long
Loudon	Luetkemeyer	Marble	McClelland	Murphy
Myers	Naeger	Nordwald	Ostmann	Patek
Phillips	Pouche 30	Purgason	Reid	Reinhart
Richardson	Ridgeway	Ross	Sallee	Schwab
Scott	Shields	Summers	Surface	Townley
Tudor	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer	Burton	Holand	Kasten	Klindt
Lawson	Miller	Pryor	Secrest	Stokan

VACANCIES: 002

On motion of Representative Kreider, **House Amendment No. 1** was adopted by the following vote:

AYES: 096

Abel	Auer	Backer	Barnett	Bartelsmeyer
Bartle	Black	Bonner	Boucher 48	Boykins
Brooks	Champion	Cierpiot	Clayton	Curls
Davis 122	Davis 63	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Gambaro	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hanaway	Hartzler 123	Hegeman	Hickey
Hilgemann	Hollingsworth	Hoppe	Kelley 47	Kelly 27
King	Klindt	Kreider	Lakin	Lawson
Levin	Liese	Lograsso	Long	Loudon
Luetkemeyer	May 108	McBride	McClelland	McLuckie
Merideth	Monaco	Murray	Myers	Nordwald
O'Connor	O'Toole	Overschmidt	Patek	Pouche 30
Pryor	Ransdall	Reinhart	Ridgeway	Riley
Rizzo	Robirds	Ross	Schilling	Secrest
Seigfreid	Selby	Shields	Skaggs	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Vogel	Ward	Wiggins	Williams 159	Wilson 42
Mr. Speaker				

NOES: 055

Akin	Alter	Ballard	Barry 100	Bennett
Berkowitz	Berkstresser	Blunt	Boatright	Bray 84
Britt	Campbell	Chrismer	Crawford	Crump

Days	Froelker	Gaskill	Griesheimer	Gross
Hampton	Harlan	Hartzler 124	Hendrickson	Hohulin
Hosmer	Howerton	Kasten	Kennedy	Kissell
Koller	Linton	Luetkenhaus	Marble	Mays 50
McKenna	Murphy	Naeger	Ostmann	Parker
Phillips	Purgason	Relford	Reynolds	Sallee
Schwab	Scott	Shelton	Smith	Townley
Van Zandt	Wagner	Williams 121	Wilson 25	Wright

PRESENT: 003

Dolan	Holand	Reid
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ABSENT WITH LEAVE: 007

Burton	Elliott	Legan	Miller	Richardson
Scheve	Stokan			

VACANCIES: 002

Representative Smith offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 151, Section 577.020, Line 7 of said page, by inserting after all of said line the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under [seventeen] **eighteen** years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state [who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection] **and has been or is required to register in another state or has been or is required to register under federal or military law; or**

(6) **Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.**

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 to 589.425 are lifetime registration requirements

unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the [central repository] within [ten] **three** days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

2. The department of public safety shall develop and maintain a system for making the registry of persons who have pled guilty to or been convicted of a third or subsequent sexual offense requiring registration, and have demonstrated predatory behavior, available on its Internet web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.

3. The information shall be removed from the Internet after twenty years unless the offender has pled guilty to or been found guilty of a sexual offense pursuant to chapter 566, RSMo, during such time period.

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by [section] **sections 589.400 to 589.425** to register changes such person's residence or address to a different county, the person shall **appear in person and shall** inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

- (1) Any offender registered as a predatory or persistent sexual offender **as defined in section 558.018, RSMo;**
- (2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and
- (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time" in this subsection means for more than fourteen days in any twelve-month period.

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and[:

- (1) Includes any false information in such person's registration statement; or
- (2) Fails to register; or
- (3) Fails to timely verify registration information pursuant to section 589.414;] **does not meet all**

requirements of sections 589.400 to 589.425 is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with [section 514.015] **sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] 4. The remaining funds collected [under] **pursuant to** subsection 1 of this section shall be **devoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system, which may include Internet capabilities, is established pursuant to subsection 3 of section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be** subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

[4.] 5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050

and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor [under] **pursuant to** the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and] 9 **and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to [section 514.015] **sections 488.010 to 488.020**, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims [under] **pursuant to** sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation

fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 153, Section 610.120, Line 21 of said page, by inserting after all of said line the following:

"650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;**
- (2) "Office", the office for victims of crime;**
- (3) "Private agency", a private agency as defined in section 590.010, RSMo;**
- (4) "Public agency", a public agency as defined in section 590.010, RSMo;**
- (5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.**

650.310. 1. The "Office for Victims of Crime" is hereby created within the department of public safety for the purpose of promoting the fair and just treatment of victims of crime, including victims of computer crimes. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies regarding their interrelation in the provision of victim services and other issues related to victims of crime. The office may directly assist victims of crime in seeking services and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime, the office shall develop and coordinate the implementation of a response plan to meet the needs of any resulting victims of crime.

2. The department of corrections shall cooperate with the office for victims of crime in the establishment of a system to reimburse victims of crime for attending parole hearings. The office may reimburse a person for the costs of mileage and lost wages incurred by attendance at a parole hearing arising from a crime directly responsible for such person's status as a victim of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation, and maintenance of any such system.

When the fiscal resources are available, the system may include Internet computer capabilities.

4. The department of public safety may promulgate reasonable rules to meet the objectives of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Smith, **House Amendment No. 2** was adopted by the following vote:

AYES: 141

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Days
Dolan	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Griesheimer	Gross
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kelley 47	Kelly 27	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	May 108	Mays 50
McBride	McClelland	McKenna	Merideth	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 42	Wright
Mr. Speaker				

NOES: 007

Davis 63	Gunn	Kennedy	McLuckie	Murphy
Schilling	Wilson 25			

PRESENT: 000

ABSENT WITH LEAVE: 013

Bennett	Britt	Burton	Dougherty	Elliott
Green	Kasten	Lograsso	Marble	Miller
Pryor	Scheve	Stokan		

VACANCIES: 002

Representative Levin offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 3, Section 1.160, Line 1, by inserting at the end of said section the following:

- "32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:
- (1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;
 - (2) "Person", an individual, organization or entity, but does not include a state or agency thereof;
 - (3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.
2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section.
3. A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.
4. Notwithstanding any other provision of law to the contrary, the department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code.
5. Pursuant to section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.
- 6. The department of revenue shall not provide any information on an operator's license issued pursuant to chapter 302, RSMo, except as provided in section 194.240, RSMo, section 302.181, RSMo, or section 302.740, RSMo, or otherwise provided by statute.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Levin, **House Amendment No. 3** was adopted.

Representative Ward offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 157, Section 6, Line 22, by inserting at the end of said section the following:

“Section 7. Notwithstanding the provisions of section 56.360, the prosecuting attorney of any county of the fourth classification with a population of at least forty-eight thousand and not more than fifty thousand inhabitants shall devote full time to the prosecutor’s office, and, except for the performance of official duties, shall not engage in the practice of law.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Ward, **House Amendment No. 4** was adopted.

Representative Patek offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 61, Section 221.407, by inserting after said section the following:

"221.232. 1. No private person, corporation, partnership, business, association or other entity shall own or operate any jail within this state without meeting all of the requirements set forth in subsection 2 of this section. Neither shall any political subdivision contract with any private entity for the keeping of any person in a jail within this state unless the facility meets all of the requirements set forth in subsection 2 of this section. As used in this section, the term "jail" means a place of criminal confinement for pretrial defendants, persons sentenced to less than one year, and persons awaiting revocation disposition.

2. No private provider may acquire land or otherwise establish a presence in a community for the establishment of a jail unless all of the following requirements have been accomplished and documented. The private provider shall furnish:

(1) To local law enforcement agencies, hospital services and fire districts in the area affected formal written notification of the intent to establish a private jail prior to a public hearing;

(2) In the area affected a well-publicized hearing open to the public shall be held;

(3) Submission of an operational plan to the affected city or county council or both and formal approval by the council of the plan. The plan would include but not be limited to:

(a) Maximum security classification of individuals to be confined, the facility's custody level and its maximum capacity;

(b) Internal and perimeter security commensurate with security level;

(c) Written plans concerning infectious and contagious diseases, fire, power failure, transportation, escapes, riots and other emergency and natural disaster situations;

(d) Environmental impact statement concerning the effect of the facility on the surrounding community;

(e) Other factors specified by the jurisdiction;

(4) Documentation of management's prerequisite qualifications and experience;

(5) Documentation of the private provider's ability to furnish indemnification for liability arising from the operation of the proposed private jail;

(6) Documentation of the private provider's ability to meet applicable court orders, correctional standards and constitutional requirements for jails;

(7) Documentation of accreditation by the American Jail Association or American Correctional Association and the National Commission on Correctional Health Care."; and

Further amend title and enacting clause accordingly.

Representative Williams (121) offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 61, Section 221.407, by inserting after said section the following:

"221.232. 1. No private person, corporation, partnership, business, association or other entity shall own or operate any jail within this state without meeting all of the requirements set forth in subsection 2 of this section. Neither shall any political subdivision contract with any private entity for the keeping of any person in a jail within this state unless the facility meets all of the requirements set forth in subsection 2 of this section. As used in this section, the term "jail" means a place of criminal confinement for pretrial defendants, persons sentenced to less than eighteen (18) months and persons awaiting revocation disposition.

2. No private provider may acquire land or otherwise establish a presence in a community for the establishment of a jail unless all of the following requirements have been accomplished and documented. The private provider shall furnish:

(1) To local law enforcement agencies, hospital services and fire districts in the area affected formal written notification of the intent to establish a private jail prior to a public hearing;

(2) In the area affected a well-publicized hearing open to the public shall be held;

(3) Submission of an operational plan to the affected city or county council or both and formal approval by the council of the plan. The plan would include but not be limited to:

(a) Maximum security classification of individuals to be confined, the facility's custody level and its maximum capacity;

(b) Internal and perimeter security commensurate with security level;

(c) Written plans concerning infectious and contagious diseases, fire, power failure, transportation, escapes, riots and other emergency and natural disaster situations;

(d) Environmental impact statement concerning the effect of the facility on the surrounding community;

(e) Other factors specified by the jurisdiction;

(4) Documentation of management's prerequisite qualifications and experience;

(5) Documentation of the private provider's ability to furnish indemnification for liability arising from the operation of the proposed private jail;

(6) Documentation of the private provider's ability to meet applicable court orders, correctional standards and constitutional requirements for jails;

(7) Documentation of accreditation by the American Jail Association or American Correctional Association and the National Commission on Correctional Health Care."; and

Further amend the title and enacting clause accordingly.

Representative Kissell raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** goes beyond the scope of the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Williams (121), **House Substitute Amendment No. 1 for House Amendment No. 5** was adopted.

Representative Fraser offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 996, Page 139, Section 570.030, Line 21, by inserting the following at the end of said section:

“570.033. **1.** Any person who, without lawful authority, willfully takes another's animal with the intent to deprive [him] **the other** of [his] **such** property is guilty of a class D felony.

2. Any person who knowingly misappropriates another's pet or a law enforcement or rescue animal with the intent to sell such pet is guilty of a class C felony.

3. Any person who knowingly purchases a stolen pet is guilty of a class C felony.

4. For the purposes of this section and section 570.035, "pet" means any domesticated animal, including those used for hunting and working stock, normally maintained in or near the household of the owner of such animal.

5. The department of public safety shall create a registry of missing or stolen pets. The department shall place such registry on the Internet to allow registration through the Internet and allow searches of the registry for animals listed as missing or stolen. Any person who has reported the loss of his or her pet to an appropriate law enforcement agency may register such pet with the department and shall include the date and place of the notification of an appropriate law enforcement agency and any of the pet's identifying features, tags, tattoos or electronic chips in such registry. The department may adopt rules to implement the provisions of this subsection. The department may charge a fee for registration that does not substantially exceed the cost of the program.

6. Any person purchasing a pet for research purposes shall examine such pet for identification markers and shall examine the missing or stolen pet registry. If the pet is found on the registry, the person shall contact the owner for verification. In the event the person believes that the pet may have been stolen, the person shall notify a department of law enforcement of the county in which the sale took place.

7. Any pet sold to a licensed dealer for research purposes shall be accompanied by a health certificate, issued by a licensed veterinarian, that includes all identifying features, tags, tattoos or electronic chips.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

570.035. 1. No person shall knowingly remove any identification marker or tag from a stolen pet with the intent to sell such stolen pet.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class C felony.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Fraser, **House Amendment No. 6** was adopted.

Representative Summers offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Bill No.996, Page 127, Section 565.084, Line 23, by inserting the following after all of said line:

“565.090. **1.** A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he

(1) Communicates [in writing or by telephone] **by any means** a threat to commit any felony; or

(2) [Makes a telephone call or communicates in writing and] Uses coarse language offensive to one of average sensibility **in the course of communicating to another person**; or

(3) [Makes a telephone call anonymously] **Communicates in a manner that does not reveal the person's identity**; or

(4) [Makes repeated telephone calls] **Repeatedly communicates to another person.**

2. Harassment is a class A misdemeanor except that a violation of subdivision (1) or (4) of subsection 1 of this section is a class D felony.”; and

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Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Summers, **House Amendment No. 7** was adopted.

On motion of Representative Hosmer, **HS HCS SB 996, as amended**, was adopted.

On motion of Representative Hosmer, **HS HCS SB 996, as amended**, was read the third time and passed by the following vote:

AYES: 142

Abel	Akin	Alter	Auer	Ballard
Barnett	Bennett	Berkowitz	Berkstresser	Black
Blunt	Boatright	Bonner	Boucher 48	Boykins
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Enz
Evans	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Levin	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Monaco	Murphy	Murray	Myers
Naeger	Nordwald	O'Connor	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Ridgeway	Rizzo	Robirds	Ross
Sallee	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Summers	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 004

Farnen	Gunn	Riley	Townley
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PRESENT: 000

ABSENT WITH LEAVE: 015

Backer	Barry 100	Bartelsmeyer	Bartle	Bray 84
Burton	Dougherty	Elliott	Legan	Miller
O'Toole	Richardson	Scheve	Smith	Stokan

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 896**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 896, with House Amendments Nos. 1, 2, 3, 4, 5 and 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11 and 12, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 896, as amended; and
2. That the Senate recede from its position on Senate Bill No. 896; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 896 be adopted.

FOR THE HOUSE:

/s/ Christopher Liese
/s/ Brian May
/s/ Blaine Luetkemeyer
/s/ Ed Hartzler
/s/ Jim Kreider

FOR THE SENATE:

/s/ John Scott
/s/ Danny Staples
/s/ William Clay
/s/ Bill Kenney
/s/ David Klarich

CONFERENCE COMMITTEE REPORT NO. 2
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 856

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Parts I, II, IV and V of House Substitute for House Committee Substitute for Senate Bill No. 856 with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part I, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment 3, House Substitute Amendment for House Amendment No. 4, House Amendment No.5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11 to Part II, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part IV, and House Amendment No. 1 to Part V, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 856, as amended; and
2. That the Senate recede from its position on Senate Bill No. 856; and
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856, with Conference Committee Amendment No. 1 be adopted.

FOR THE HOUSE:

/s/ Tim Harlan
/s/ James Foley
/s/ Yvonne Wilson
/s/ Annie Reinhart
/s/ Charlie Shields

FOR THE SENATE:

/s/ Joe Maxwell
/s/ Harry Wiggins
/s/ Paula Carter
/s/ Marvin Singleton
/s/ Roseann Bentley

Conference Committee Amendment No. 1

AMEND Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.383, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(3) On or after April 1, 2001, that additional information is necessary to determine if all or part of the claim will be reimbursed and a complete description of all specific additional information that is necessary for the claim to be a clean claim."; and

Further amend said bill, Page 14, Section 376.383, Line 3 of said page, by inserting immediately after the closing bracket "]" the following: **"Effective April 1, 2001,"**; and

Further amend said bill, Page 14, Section 376.383, Lines 14-19 of said page, by striking all of said lines and inserting in lieu thereof the following:

"interest paid within the ten-day grace period. If the court finds that a violation of this section occurred before January 1, 2002, the court shall award to a prevailing plaintiff a penalty of twenty-five dollars per day beginning ten days following the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest; unless the court finds that such violation occurred as a result of extreme circumstances beyond the control of the carrier. If the court finds that a violation of this section occurred on or after January 1, 2002, the court shall award to a prevailing plaintiff a penalty of fifty dollars per day beginning ten days following the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest; unless the court finds that such violation occurred as a result of extreme circumstances beyond the control of the carrier."; and

Further amend said bill, Page 15, Section 376.384, Lines 6-9, by striking all of said lines and inserting in lieu thereof the following:

"electronically. Effective January 1, 2002, all claims which are filed for reimbursement with health carriers by health care providers and are submitted electronically shall be filed in a universal electronic claim form and format which is specified by the department of insurance. The department"; and

Further amend said bill, Page 22, Section 376.895, Lines 15-19 of said page, by striking all of said lines and inserting in lieu thereof the following:

"376.895. Any insurer providing coverage for a child with parents who are legally separated or divorced shall provide upon request information regarding covered benefits for such child to both parents regardless of whether the inquiring parent is the primary policyholder.".

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 858**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 858, with House Amendments Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 3, Part 1 of House Amendment No. 4, Part 2 of House Amendment No. 4, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendments Nos. 11, 12, 13, 14 and 15, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 858, as amended; and
2. That the Senate recede from its position on Senate Bill No. 858; and
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 858, with Conference Committee Amendment No. 1, be adopted.

FOR THE HOUSE:

/s/ Phil Smith
/s/ Bill Skaggs
/s/ Ralph Monaco
/s/ Luann Ridgeway

FOR THE SENATE:

/s/ Joe Maxwell
/s/ Ed Quick
/s/ Lacy Clay
/s/ Larry Rohrbach
/s/ Steve Ehlmann

Conference Committee Amendment No. 1

AMEND Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 858, Page 16, Section 610.027, Line 14 of said page, by inserting after the word “a” the word “**knowing**”.

BILL IN CONFERENCE

CCR HS HCS SB 896, as amended, relating to business organizations, was taken up by Representative May (108).

On motion of Representative May (108), **CCR HS HCS SB 896, as amended** was adopted by the following vote:

AYES: 146

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Enz	Evans
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 007

Bray 84	Farnen	Harlan	Kelly 27	McLuckie
Murphy	Schilling			

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Dolan	Elliott	Kasten	O'Connor
Richardson	Scheve	Stokan		

VACANCIES: 002

On motion of Representative May (108), **CCS HS HCS SB 896** was truly agreed to and finally passed by the following vote:

AYES: 145

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz

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Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Ridgeway
Riley	Rizzo	Robirds	Ross	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 008

Bray 84	Farnen	Harlan	Kelly 27	McLuckie
Murphy	Schilling	Van Zandt		

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Elliott	Kasten	Luetkenhaus	Richardson
Sallee	Scheve	Stokan		

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

Abel	Auer	Backer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Bonner	Boucher 48
Boykins	Britt	Brooks	Campbell	Champion
Chrismer	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Pouche 30	Pryor	Purgason	Ransdall	Relford
Reynolds	Richardson	Riley	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs

Smith	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 42
Wright	Mr. Speaker			

NOES: 019

Akin	Boatright	Bray 84	Cierpiot	Farnen
Froelker	Hendrickson	Kelly 27	Linton	Lograsso
McLuckie	Murphy	Phillips	Reid	Reinhart
Ridgeway	Schilling	Van Zandt	Wilson 25	

PRESENT: 000

ABSENT WITH LEAVE: 005

Alter	Burton	Elliott	Sallee	Stokan
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VACANCIES: 002

On motion of Representative Thompson, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILL

HCS SCS SB 842, relating to fire protection, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 842**.

Representative Gibbons raised a point of order that **HS HCS SCS SB 842** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Scheve resumed the Chair.

Representative Williams (159) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, Page 18, Section 321.242, Line 9 of said page, by inserting after all of said line the following:

"321.246. 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, or the governing body of any fire protection district which contains a city of the fourth classification having a population

greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. **In addition, the governing body of any fire protection district which is located in a county of the third classification may impose a sales tax in an amount of up to one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo.** The [tax] taxes authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of (district's name) impose a district-wide sales tax of for the purpose of providing revenues for the operation of the fire protection district?

G YES

G NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the fire protection district sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams (159), **House Amendment No. 1** was adopted.

Speaker Gaw resumed the Chair.

Representative Shields offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, Page 12, Section 320.410, Line 14, by deleting Lines 14 and 15 of said section.

Representative Marble offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1
for
House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, Pages 9-12, Sections 320.400, 320.405, 320.407 and 320.410, by deleting all of said sections.

Representative Marble moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Shields moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Reid offered **House Amendment No. 3**.

Representative Hosmer raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Hoppe, **HS HCS SB 842, as amended**, was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 842, as amended**, was read the third time and passed by the following vote:

AYES: 140

Abel	Alter	Auer	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Bonner

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Boucher 48	Bray 84	Britt	Brooks	Campbell
Champion	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelly 27
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Vogel	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 009

Akin	Boatright	Chrismer	Cierpiot	Hendrickson
Kelley 47	Murphy	Pryor	Ridgeway	

PRESENT: 002

Boykins	Kennedy
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ABSENT WITH LEAVE: 010

Burton	Dougherty	Elliott	Gibbons	Harlan
Mays 50	Richardson	Stokan	Van Zandt	Wagner

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Abel	Alter	Auer	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Blunt	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hegeman	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Kasten	Kelly 27	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Linton	Lograsso	Loudon
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Myers	O'Connor	O'Toole

Ostmann	Overschmidt	Parker	Patek	Pouche 30
Ransdall	Reid	Relford	Reynolds	Richardson
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Vogel	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 021

Akin	Black	Boatright	Chrismer	Cierpiot
Enz	Hartzler 124	Hendrickson	Hohulin	Howerton
Kelley 47	Long	Luetkemeyer	Murphy	Naeger
Phillips	Pryor	Purgason	Reinhart	Ridgeway
Schwab				

PRESENT: 001

Kennedy

ABSENT WITH LEAVE: 009

Ballard	Burton	Elliott	Harlan	Nordwald
Sallee	Stokan	Van Zandt	Wagner	

VACANCIES: 002

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Ward moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SCS HCS HBs 1386 & 1086, as amended**, and has taken up and passed **HCS HBs 1386 & 1086**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SCS SB 763, as amended**, and has taken up and passed **CCS HCS SS SCS SB 763**.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 763**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, with House Amendments Nos. 2 and 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8 and 9, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, as amended; and
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 763; and
3. The attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763 be adopted.

FOR THE HOUSE:

/s/ Don Kissell
/s/ D. J. Davis
/s/ Steve McLuckie
/s/ Peter Myers
/s/ Bill Alter

FOR THE SENATE:

/s/ Jerry Howard
/s/ Ronnie DePasco
/s/ Joe Maxwell
/s/ Doyle Childers
/s/ David Klarich

BILL IN CONFERENCE

CCR HCS SS SCS SB 763, as amended, relating to telemarketing, was taken up by Representative Kissell.

On motion of Representative Kissell, **CCR HCS SS SCS SB 763, as amended**, was adopted by the following vote:

AYES: 101

Abel
Barry 100
Boykins

Alter
Berkowitz
Bray 84

Auer
Black
Britt

Backer
Bonner
Brooks

Barnett
Boucher 48
Campbell

Chrismer	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Farnen
Fitzwater	Foley	Franklin	Gambaro	George
Graham 106	Graham 24	Gratz	Green	Gross
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Kelley 47	Kelly 27	Kennedy	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Levin	Liese	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Pouche 30	Ransdall	Reid	Relford	Reynolds
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Schwab	Seigfreid	Selby	Skaggs
Surface	Thompson	Treadway	Troupe	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 051

Akin	Ballard	Bartelsmeyer	Bartle	Bennett
Berkstresser	Blunt	Boatright	Champion	Cierpiot
Crawford	Enz	Evans	Foster	Froelker
Gaskill	Gibbons	Griesheimer	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Howerton	Kasten
King	Legan	Linton	Lograsso	Long
Loudon	Marble	McClelland	Miller	Murphy
Patek	Phillips	Pryor	Purgason	Reinhart
Richardson	Ridgeway	Sallee	Scott	Secrest
Shields	Summers	Townley	Tudor	Vogel
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Elliott	Ford	Fraser	Shelton
Smith	Stokan	Van Zandt	Wagner	

VACANCIES: 002

On motion of Representative Kissell, **CCS HCS SS SCS SB 763** was truly agreed to and finally passed by the following vote:

AYES: 150

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Fitzwater	Foley	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland

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McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Summers	Surface	Thompson	Townley	Treadway
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 002

Murphy Tudor

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Elliott	Farnen	Ford	Sallee
Smith	Stokan	Troupe	Van Zandt	

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Britt moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SBs 678 & 742, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SB 894, as amended**: Senators Quick, Johnson, Mathewson, Sims and Singleton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS#2 SCS SBs 934, 546, 578, 579 & 782, as amended**, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SS SB 902, as amended**, and has taken up and passed **CCS HS HCS SS SB 902**.

BILL CARRYING REQUEST MESSAGE

HS HCS SS SCS SBs 678 & 742, as amended, relating to judicial and administrative procedure, was taken up by Representative May (108).

Representative May (108) moved that the House refuse to recede from its position on **HS HCS SS SCS SBs 678 & 742, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HS HCS SS SCS SBs 678 & 742: Representatives May (108), Monaco, Clayton, Lograsso and Richardson

HOUSE BILL WITH SENATE AMENDMENTS

SS HS HCS HBs 1652 & 1433, as amended, relating to tobacco products, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to adopt **SS HS HCS HBs 1652 & 1433, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

BILL CARRYING REQUEST MESSAGE

HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended, relating to intoxication-related offenses, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to recede from its position on **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended**, and grant the Senate a conference.

Which motion was adopted.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS#2 SCS SBs 934, 546, 578, 579 & 782, as amended**: Senators Caskey, Quick, DePasco, Ehlmann and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SCS SBs 678 & 742, as amended**: Senators Schneider, Wiggins, Clay, Klarich and Ehlmann.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HS HCS HBs 1652 & 1433, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SS#3 SJR 35, as amended**, and has taken up and passed **CCS HCS SS SS#3 SJR 35**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS HS HCS HBs 1652 & 1433, as amended**: Senators Caskey, Scott, Mathewson, Russell and Bentley.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782: Representatives Hosmer, Parker, Schilling, Alter and Barnett

SS HS HCS HBs 1652 & 1433: Representatives Hoppe, Hollingsworth, Hosmer, Dolan and Griesheimer

THIRD READING OF SENATE BILLS

HCS SB 921, relating to professional registration, was taken up by Representative Treadway.

Representative Chrismer offered **House Amendment No. 1**.

House Amendment No. 1 was withdrawn.

Representative Treadway moved that **HCS SB 921** be adopted.

Which motion was defeated.

Representative Treadway offered **House Amendment No. 1.**

House Amendment No. 1

AMEND Senate Bill No. 921, Page 1, In the Title, Line 2, by inserting immediately after "**section**" the following: "**334.128, RSMo 1994, and section**"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting "**one new section**" and inserting in lieu thereof the following: "**two new sections**"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 334.128, RSMo 1994, and section 334.120, RSMo Supp. 1999, are repealed and two new sections enacted in lieu thereof, to be known as sections 334.120 and 334.128, to read as follows:"; and

Further amend said bill, Page 2, Section 334.120, Line 46, by inserting immediately after said line the following:

"334.128. Any person who reports or provides information to the board, or any person who assists the board, including, but not limited to, applicants or licensees who are the subject of an investigation, physicians serving on competency panels, medical record custodians, consultants, **physicians' health programs operated in this state approved by the board for impaired physicians and individuals working, consulting or participating in the physicians' health program**, attorneys, board members, agents, employees or expert witnesses, in the course of any investigation, hearing or other proceeding conducted by or before the board pursuant to the provisions of this chapter, **or based upon voluntary participation by the licensee in the physicians' health program or upon any stipulation or order of the board mandating the licensee to the physicians' health program**, and who does so in good faith and without malice shall not be subject to an action for civil damages as a result thereof, and no cause of action of any nature shall arise against him **or her**. The attorney general shall defend such persons in any such action or proceeding."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Treadway, **House Amendment No. 1** was adopted.

On motion of Representative Treadway, **SB 921, as amended**, was read the third time and passed by the following vote:

AYES: 145

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson

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Legan	Levin	Liese	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Miller
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Seigfreid	Selby
Shelton	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 001

Murphy

PRESENT: 002

Boykins Curls

ABSENT WITH LEAVE: 013

Burton	Elliott	Harlan	Linton	Lograsso
McClelland	Monaco	Pryor	Ridgeway	Secrest
Shields	Stokan	Van Zandt		

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Boykins moved that motion lay on the table.

The latter motion prevailed.

SB 892, relating to reimbursement for state inmates, was taken up by Representative Crump.

Representative Crump offered **HS SB 892**.

On motion of Representative Crump, **HS SB 892** was adopted.

On motion of Representative Crump, **HS SB 892** was read the third time and passed by the following vote:

AYES: 147

Abel	Akin	Backer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans

Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Hagan-Harrell	Hampton	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hohulin	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Linton
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McKenna	McLuckie
Merideth	Miller	Murphy	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Gunn

PRESENT: 000

ABSENT WITH LEAVE: 013

Alter	Auer	Burton	Elliott	Farnen
Harlan	Hilgemann	Holand	Lograsso	McClelland
Monaco	Richardson	Stokan		

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

HCS SS SCS SB 925, relating to agricultural advocate's office, was taken up by Representative Williams (159).

Representative Williams (159) offered **HS HCS SS SCS SB 925**.

Representative Williams (159) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 5, Section 26.700, Line 4 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Size of Household	Percent of State or Geographic Area Family Median Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation,

improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

(11) **"Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;**

(12) **"Eligible new generation cooperative", as defined in section 348.340, RSMo;**

(13) "Homeless assistance pilot project", the program established pursuant to section 32.117;

[(12)] (14) "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

[(13)] (15) "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; or

(d) **Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;**

[(14)] (16) "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] (17) "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] (18) "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through

contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**

32.116. Notwithstanding any provision of law to the contrary, tax credits authorized to be used against the tax otherwise due pursuant to chapter 148, RSMo, may be used by insurers on their quarterly estimated installments and reconciling installment for payment of taxes due for the current year or any other year authorized by the underlying tax credit.

135.813. 1. Any taxpayer who has provided funds to the department of economic development for the support of a rural housing development revolving loan pilot program, as provided in section 620.1350, shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer has contributed for the program.

2. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years. The cumulative amount of tax credits which may be claimed by all the taxpayers in any one fiscal year shall not exceed two hundred ten thousand dollars.

3. The taxpayer shall apply for the credit to the department of economic development. The department may require the taxpayer to provide information that is reasonably necessary to determine the applicant's eligibility for a tax credit.

4. The department of economic development shall certify to the department of revenue each applicant which qualifies for the tax credit.

5. This section shall become effective January 1, 2002, and shall apply to all tax years after December 31, 2001.

261.032. The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

261.037. 1. There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 through 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds

of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners.

The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.

3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee structure established by the commission. No rules or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

261.038. The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall

allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.

261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.

2. The department of agriculture shall adopt rules to implement the provisions of this section.

3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

262.260. 1. The commission shall establish admission fees to be charged at the gates of the fairgrounds. The admission fees, revenues from the sale of privileges and revenues as a result of pari-mutuel wagering shall be payable to and collected by the department of agriculture and transmitted to the state director of revenue who shall deposit the same [in the general revenue fund to the credit of the state fair fee account] **to the credit of the "State Fair Fee Fund" which is hereby created in the state treasury. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The money in the state fair fee [account] fund may be used in improving and beautifying the grounds, paying premiums and defraying expenses of the state fair, including officers' salaries, the hire of assistants, expense and equipment, capital improvements and maintenance and repair.

2. The unexpended balance in the state fair fee fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the state fair fee fund.

3. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the state fair fee fund."; and

Further amend said bill, Page 10, Section 262.762, Line 16 of said page, by inserting after all of said line the following:

"263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (*Dipsacus laciniatus*), common teasel (*Dipsacus fullonum*) and kudzu vine (*Pueraria lobata*) which are hereby designated as noxious and dangerous weeds to agriculture.

348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;

(5) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For tax year 1999, a contributor who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A contributor that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative that receives

financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed for the taxable year in which the contributor contributes funds to the authority. Any amount of credit that exceeds the tax due for a contributor's taxable year may be carried forward to any of the contributor's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;

(4) "Member", a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative;

(5) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. Beginning tax year 1999, and subsequent tax years, any member who invests cash funds in an eligible new generation cooperative may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such member's investment or fifteen thousand dollars.

4. A member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed for the taxable year in which the member contributes capital to an eligible new generation cooperative. Any amount of credit that exceeds the tax due for a member's taxable year may be carried back to any of the member's three prior taxable years and carried forward to any of the member's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred, [or] sold **or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the member**. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. At least ten percent of the tax credits authorized pursuant to this section shall be offered in any fiscal year to projects with capital costs of no more than one million dollars. If the amount of tax credits allowed pursuant to this section exceeds the amount needed for such smaller projects, the remaining tax credits may be offered for projects with capital costs in excess of one million dollars.

6. If members of a project would be eligible for tax credits in excess of one million five hundred thousand dollars, tax credits authorized pursuant to this section shall be prorated between the members on a percent of investment basis, not to exceed the maximum allowed per member.

620.1350. 1. The department of economic development shall establish three rural housing development revolving loan pilot programs as provided in this section.

2. Three pilot programs shall provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in a county of the third classification.

3. The loans shall be at no interest and shall be made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to section 620.1350 shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

(1) The area in which the housing is intended to be constructed;
(2) A statement about the need for single family housing in such area;
(3) The time period required for constructing each home and making it available on the market;
(4) A list of the officers, with addresses and phone numbers, of the corporation;
(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loans to qualified nonprofit organizations according to the statement of need and compliance with this section.

6. The department shall set criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in an account to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the fund and used to finance the construction of another home or to repay the loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the fund to be used for the public benefit in construction or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in those communities, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling homes to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The nonprofit corporation shall ensure that the sales contract shall contain a clause to prevent

speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

(1) The home has been the primary home of the purchaser for a period of five years after the closing date; and

(2) The property has not been used as rental property for such five-year period.

620.1353. 1. The "Rural Housing Development Revolving Loan Pilot Program Fund" is hereby established within the department of economic development. The fund shall consist of all moneys provided by taxpayers to support the rural housing development revolving loan pilot program pursuant to section 135.813, RSMo.

2. The fund shall be administered by the department of economic development. Upon appropriation, money in the fund shall be used solely for the purposes contained in section 620.1350. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

3. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not be transferred to the general revenue fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams (159), **House Amendment No. 1** was adopted.

Representative Kreider offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Substitute for Senate Bill No. 925, Page 13, Section 4, Lines 21-25, by deleting all of said lines and inserting in lieu thereof the following:

"Section 4. Nothing in sections 1 to 3 of the farmland protection act shall apply to any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county as the boundary of that city existed on January 1, 2000 nor to any sewer district established pursuant to article VI, section 30(a) of the Missouri constitution as the boundary of said sewer district existed on January 1, 2000."

On motion of Representative Kreider, **House Amendment No. 2** was adopted.

Representative Scheve offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 5, Section 26.700, Line 4 of said page, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business **or qualified Missouri agricultural business**", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business, **or in the case of certified capital raised after August 28, 2000, a qualified Missouri agricultural business**;

(13) **"Qualified Missouri agricultural business", any independently owned and operated business, which is headquartered and located in Missouri, and which is either:**

(a) **A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or**

(b) **Any business that is an eligible borrower as described pursuant to section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars.**

[(13)] (14) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is

classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

[(14)] (15) "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; [and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section] **in calendar year 1998, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits; and for calendar year 2000, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits. Thereafter, the aggregate amount of earned and vested certified capital company credits that may be taken on an annual basis by all Missouri certified capital company investors shall not exceed an amount equal to ten percent of the cumulative credits earned in respect of certified capital invested in previous years.** During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section.

For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] (14) of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the requirements of subdivision [(13)] (14) of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] 4 of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments **and in the case of any certified capital raised after August 28, 2000, at least twenty-five percent of which in terms of dollars shall be, or have been, placed in qualified investments in qualified Missouri agricultural businesses.** A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate, **including, subject to the approval of the department**

upon terms and conditions determined by it, investments with an investor of the Missouri certified capital company or an affiliate or subsidiary of such investor of the Missouri certified capital company which is providing a guarantee, indemnity, bond, insurance policy or other guaranteed payment undertaking in favor of the investors that have invested certified capital in the Missouri certified capital company and which is rated AA or better by Standard and Poor's Ratings Group or the equivalent by another nationally recognized agency. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments **and, with respect to qualified investments made with certified capital raised after August 28, 2000, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] 4 of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Scheve, **House Amendment No. 3** was adopted.

Representative Kreider offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 10, Section 262.762, Line 16, by inserting after all of said line the following:

"263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (*Dipsacus laciniatus*), common teasel (*Dipsacus fullonum*) and kudzu vine (*Pueraria lobata*) which are hereby designated as noxious and dangerous weeds to agriculture."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Boatright raised a point of order that **House Amendment No. 4** is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Kreider, **House Amendment No. 4** was adopted.

Representative Myers offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 10, Section 262.762, by inserting after Line 16 the following:

"4. The provisions of Sections 262.750, 262.753, 262.756, 262.759 and 262.762 shall become effective on January 1, 2001."

On motion of Representative Myers, **House Amendment No. 5** was adopted.

Representative Patek offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 7, Section 262.753, Lines 12 to 13 of said page, by deleting the phrase **"the limits of the appropriations and other"**; and

Further amend said bill, Page 10, Section 262.759, Lines 3 to 4 of said page, by deleting the phrase **"appropriations, and from all other available sources including but not limited to federal, state,"** and to insert in lieu thereof the phrase **"all available sources including federal,"**; and

Further amend said bill, Page 10, Section 262.762, Lines 8 to 9 of said page, by deleting the phrase **"sources other than appropriation by the general assembly, including from"**; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Patek moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Gibbons offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 13, Section 4, Line 25 of said page, by inserting immediately after all of said line the following:

“Section 5. Notwithstanding any provision of law to the contrary, in any dispute regarding the liability of a taxpayer for collection and remittance or payment of income, franchise, sales or use tax due on a particular type of transaction, the director of revenue shall consider whether tax has been previously collected and remitted or paid on such type of transaction by other taxpayers within the same or similar type of business or profession in this state and shall consider such information when determining the appropriate resolution of this dispute. If the director of revenue or the administrative hearing commission determines tax has not been previously collected and remitted or paid by other taxpayers within the same or similar type of business or profession on the transaction in question, the director or administrative hearing commission may abate previous taxes, interest and penalty related to such transaction and the taxpayer shall be liable to collect and remit or pay taxes in a prospective manner, beginning from the date of the final determination of same by the director of revenue.”;
and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Gibbons, **House Amendment No. 7** was adopted.

Representative Hartzler (124) offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 925, Page 5, Line 4, by inserting after said line the following:

“135.918. This section shall be known and may be cited as the “Missouri Agricultural Investment Tax Credit Act”. For tax years beginning on or after January 1, 2000, but before December 31, 2004, an individual taxpayer who qualifies as a farmer pursuant to Section 6654(i) (2) of Title 26 of the Internal Revenue Code or a corporate taxpayer who qualifies as a farming corporation pursuant to chapter 350, RSMo, shall be allowed to claim a nonrefundable credit against the tax otherwise due pursuant to chapter 143, RSMo, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, in an amount equal to ten percent of the cost of any item which is allowable as an expensing election pursuant to Section 179 of the Internal Revenue Code for the same tax year. The tax credit allowed pursuant to this section shall not exceed three hundred dollars. An eligible taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer’s return; including extensions, shall not be eligible for a credit pursuant to this section. Any amount of credit that exceeds the tax due for a taxpayer’s tax year may be carried back to any of the taxpayer’s three prior tax years or carried forward to any other taxpayer’s five subsequent tax years. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly

pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void. To be eligible for tax credits pursuant to this section, the taxpayer must be an individual or family corporation and have gross farm sales of not less than ten thousand dollars or more than nine hundred ninety-nine thousand nine hundred ninety-nine dollars.”; and

Further amend the title and enacting clause accordingly.

Representative Hartzler (124) moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

On motion of Representative Williams (159), **HS HCS SS SCS SB 925, as amended**, was adopted.

On motion of Representative Williams (159), **HS HCS SS SCS SB 925, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel	Auer	Backer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Campbell
Champion	Chrismer	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Fraser	Froelker
Gambaro	Gaskill	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
McBride	McClelland	McKenna	McLuckie	Merideth
Miller	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Ransdall
Reid	Reinhart	Relford	Reynolds	Ridgeway
Riley	Rizzo	Ross	Sallee	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 003

Hohulin	Purgason	Townley
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PRESENT: 000

ABSENT WITH LEAVE: 017

Akin	Alter	Brooks	Burton	Cierpiot
Elliott	Franklin	George	Hagan-Harrell	Lograsso
Mays 50	Monaco	Pryor	Richardson	Robirds
Scheve	Stokan			

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 140

Abel	Akin	Auer	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Bray 84	Britt	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Enz	Evans	Farnen	Foley
Ford	Foster	Franklin	Fraser	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Levin
Liese	Linton	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Skaggs	Smith	Summers	Surface
Thompson	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 007

Ballard	Bennett	Froelker	Hendrickson	Hohulin
Purgason	Townley			

PRESENT: 000

ABSENT WITH LEAVE: 014

Alter	Brooks	Burton	Elliott	Fitzwater
Hagan-Harrell	Legan	Lograsso	Monaco	Pryor
Richardson	Scheve	Shelton	Stokan	

VACANCIES: 002

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

APPROVAL OF THE HOUSE JOURNAL

On motion of Representative Crump, the Journal of the seventy-first day was approved as corrected by the following vote:

AYES: 087

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	George	Graham 24	Gratz
Green	Gunn	Hampton	Harlan	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Kelly 27	Kennedy	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Liese	Long
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Murray	O'Connor	O'Toole
Overschmidt	Parker	Ransdall	Relford	Reynolds
Riley	Rizzo	Schilling	Seigfreid	Selby
Shelton	Skaggs	Smith	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 064

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Enz	Froelker	Gaskill	Gibbons
Graham 106	Griesheimer	Gross	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hohulin	Howerton
Kasten	Kelley 47	King	Levin	Linton
Loudon	Luetkemeyer	Marble	McClelland	Miller
Murphy	Myers	Naeger	Nordwald	Ostmann
Patek	Phillips	Pouche 30	Pryor	Purgason
Reid	Reinhart	Ridgeway	Robirds	Ross
Sallee	Schwab	Scott	Secrest	Shields
Summers	Townley	Vogel	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brooks	Burton	Elliott	Hagan-Harrell	Legan
Lograsso	Monaco	Richardson	Scheve	Stokan

VACANCIES: 002

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NOS. 678 & 742**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19, as amended, House Amendments Nos. 20, 21, 23, 24, 25, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44 and 45, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, as amended; and
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742; and
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, with Conference Committee Amendment No. 1, be adopted.

FOR THE HOUSE:

/s/ Brian May
/s/ Ralph Monaco
/s/ Robert Clayton
/s/ Don Lograsso

FOR THE SENATE:

/s/ John Schneider
/s/ Harry Wiggins
/s/ William Clay
/s/ Steve Ehlmann
/s/ David Klarich

Conference Committee Amendment No. 1

AMEND Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 6, Section 34.046, Line 20 of said page, by inserting after all of said line by the following:

"34.055. 1. Except as otherwise provided in section 34.057, all invoices for supplies and services purchased by the state, duly approved and processed, shall be subject to interest charges or late payment charges as provided in this section.

2. After the [forty-fifth] **sixtieth** day following the later of the date of delivery of the supplies and services or the date upon which the invoice is [duly approved and processed] **presented**, interest retroactive to the thirtieth day shall be paid on any unpaid balance, **provided that such payment is not legitimately disputed**, [, except balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills,] upon application of the vendor thereof. The rate of such interest shall be three percentage points above the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System. **The rate of interest paid on the undisputed, unpaid balance shall increase by two percent for each subsequent thirty-day period that the balance remains unpaid. In any case in which the state wrongfully contested payment without any reasonable dispute, the above rates of interest shall be trebled.**

3. **The interest and penalties authorized in subsection 2 of this section shall not apply to balances for services provided by a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. Balances for such services shall be subject to the interest and penalties authorized pursuant to this subsection.** The state shall be liable for late payment charges on any delinquent bill for services purchased by the state from a gas corporation, electrical corporation, water corporation, or sewer corporation which has received authorization from the public service commission to impose late payment charges on delinquent utility bills. The rate of such late payment charges shall be as established for each such corporation by order of the public service commission, but bills rendered to the state shall not be considered delinquent until thirty days after rendition of the bill by the corporation.

4. Any such interest charges or late payment charges shall be paid from appropriations which were made for the fiscal year in which the supplies or services were delivered to the respective departments purchasing such supplies or services. The commissioner of administration shall be responsible for the timely implementation of this section and all officers, departments, institutions and agencies of state government shall fully cooperate with the commissioner of administration in the implementation of this section. No late payment penalty shall be assessed against, nor payable by, the state unless pursuant to the provisions of this section.

5. Notwithstanding any other provision of this section, recipients of funds from the low-income energy assistance program shall be exempt from interest charges imposed by such section for the duration of the recipient's participation in the program."; and

Further amend said bill, Pages 41-42, Section 286.010, by striking all of said section; and

Further amend said bill, Pages 118-119, Section 512.180, by striking all of said section; and

Further amend the title and enacting clause accordingly.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 902**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3, 4 and 6, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, as amended; and
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 902; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, be adopted.

FOR THE HOUSE:

/s/ Joseph Treadway
/s/ Jim O'Toole
/s/ James Foley
/s/ Jon Dolan
/s/ Matt Boatright

FOR THE SENATE:

/s/ James Mathewson
/s/ Ronnie DePasco
/s/ Steve Stoll
/s/ Larry Rohrbach
/s/ Steve Ehlmann

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1797**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 9 and Senate Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 3 and Senate Amendment No. 7; and
2. That the House recede from its rejection of Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 9 and Senate Amendment No. 10; and

3. That the Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 9 and Senate Amendment No. 10, and with attached Conference Committee Amendment No. 1, Conference Committee Amendment No. 2, Conference Committee Amendment No. 3 and Conference Committee Amendment No. 4, be adopted.

FOR THE HOUSE:

/s/ Bill Gratz
/s/ Jim Kreider
/s/ Chuck Graham
/s/ Charles Nordwald
/s/ Bill Tudor

FOR THE SENATE:

/s/ Wayne Goode
/s/ Edward E. Quick
/s/ J. T. Howard
/s/ Morris Westfall
/s/ Franc Flotron

Conference Committee Amendment No. 1

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 22, Section 303.406, Line 12 of said page, by inserting after the word "**department**" the following:

"and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo."

Conference Committee Amendment No. 2

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"301.3051. 1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) or any person living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title, enacting clause and intersectional references accordingly.

Conference Committee Amendment No. 3

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, In the Title, Line 2, by deleting the word "**and**" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting at the end of said line the following:

"section 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 301.025, as enacted by the conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session,"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "**twelve**" and inserting in lieu thereof the word "**thirteen**"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "**and**" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 1, Section A, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"303.412, 303.415, RSMo Supp. 1999, section 301.025, as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 301.025, as enacted by the conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session, are repealed and thirteen new"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting at the beginning of said line the following: "**301.025**"; and

Further amend said bill, Section A, Line 7, by inserting after all of said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property

tax was paid in the applicable tax years. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **If electronic data is not available, residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director

of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant

to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]; and

Further amend the title, enacting clause and intersectional references accordingly.

Conference Committee Amendment No. 4

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 22, Section 303.406, Line 13 of said page, by deleting the words "[may] **shall**" and inserting in lieu thereof the word "**may**"; and

Further amend said bill, Page 22, Section 303.406, Line 14 of said page, by deleting the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill, Page 23, Section 303.406, Line 1 of said page, by deleting the number "**2001**" and inserting in lieu thereof the following: "[2001] **2002**"; and

Further amend said bill, Page 29, Section 303.412, Line 25 of said page, by deleting the number "**2002**" and inserting the number "**2003**"; and

Further amend said bill, Page 31, Section 303.415, Line 10 of said page, by deleting the number "**2001**" and inserting in lieu thereof the number "**2002**"; and

Further amend said bill, Page 31, Section 303.415, Line 11 of said page, by deleting the number "**2006**" and inserting in lieu thereof the number "**2007**"; and

Further amend said bill, Page 31, Section 303.415, Line 14 of said page, by deleting the number "**2001**" and inserting in lieu thereof the following: "[2001] **2002**"; and

Further amend said bill, Page 31, Section 303.415, Line 16 of said page, by deleting the number "**2006**" and inserting in lieu thereof the number "**2007**"; and

Further amend said title, enacting clause and intersectional references accordingly.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE BILL NO. 1238**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Substitute for House Bill No. 1238, with Senate Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 1238, as amended; and
2. That the House recede from its position on House Substitute for House Bill No. 1238; and
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1238, be adopted.

FOR THE HOUSE:

/s/ Thomas Hoppe
/s/ Henry Rizzo
/s/ Phil Smith
/s/ Don Lograsso
/s/ Judy Berkstresser

FOR THE SENATE:

/s/ James Mathewson
/s/ Ed Quick
/s/ Sidney Johnson
/s/ Doyle Childers
/s/ Walt Mueller

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 1566 & 1810**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810 with Senate Amendment No. 1, Senate Amendment No. 3 Part 1, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 22, Senate Amendment No. 23, Senate Amendment No. 24, Senate Amendment No. 27, Senate Amendment No. 28, Senate Amendment No. 29, Senate Amendment No. 30, Senate Amendment No. 31, Senate Amendment No. 32, Senate Amendment No. 33, Senate Amendment No. 34, Senate Amendment No. 36, Senate Amendment No. 39, Senate Amendment No. 40, Senate Amendment No. 41, Senate Amendment No. 42, Senate Amendment No. 43, Senate Amendment No. 45, Senate Amendment No. 46 and Senate Amendment No. 47, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, as amended; and
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810; and
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE:

/s/ Joan Bray
/s/ Tim Van Zandt
/s/ Vicky Riback Wilson
/s/ Michael Gibbons
/s/ Daniel Hegeman

FOR THE SENATE:

/s/ John Scott
/s/ Wayne Goode
/s/ Edward Quick
/s/ David Klarich
/s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE SUBSTITUTE NO. 3
FOR
SENATE JOINT RESOLUTION NO. 35**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, as amended; and
2. The Senate recede from its position on Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, be adopted.

FOR THE HOUSE:

/s/ Chuck Graham
/s/ Gracia Backer
/s/ Patrick Naeger
/s/ Don Summers

FOR THE SENATE:

/s/ Wayne Goode
/s/ John Schneider
/s/ James Mathewson
/s/ Peter Kinder
/s/ Franc Flotron

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 1652 & 1433**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1652 & 1433 with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1652 & 1433, as amended; and
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill Nos. 1652 & 1433; and
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE:

/s/ Tom Hoppe
/s/ Kate Hollingsworth
/s/ Craig Hosmer
/s/ Jon Dolan
/s/ John Griesheimer

FOR THE SENATE:

/s/ Harold Caskey
/s/ John E. Scott
/s/ Jim Mathewson
/s/ John Russell
/s/ Roseann Bentley

BILLS IN CONFERENCE

CCR HS HCS SS SB 902, as amended, relating to gaming, was taken up by Representative Treadway.

On motion of Representative Treadway, **CCR HS HCS SS SB 902, as amended**, was adopted by the following vote:

AYES: 128

Abel	Auer	Backer	Barnett	Barry 100
Bennett	Berkowitz	Black	Blunt	Bonner
Boykins	Bray 84	Britt	Brooks	Champion
Cierpiot	Clayton	Crawford	Crump	Curts
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24

Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	May 108	Mays 50	McBride
McKenna	Merideth	Miller	Monaco	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Pouche 30
Pryor	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Surface	Thompson	Treadway	Troupe
Vogel	Wagner	Ward	Wiggins	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 025

Akin	Alter	Ballard	Bartelsmeyer	Bartle
Berkstresser	Boatright	Boucher 48	Campbell	Chrismer
Froelker	Hartzler 124	Hendrickson	Hohulin	Kelley 47
Marble	McClelland	McLuckie	Phillips	Purgason
Robirds	Smith	Summers	Tudor	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Elliott	Murphy	Ridgeway	Stokan
Townley	Van Zandt	Williams 121		

VACANCIES: 002

On motion of Representative Treadway, **CCS HS HCS SS SB 902** was truly agreed to and finally passed by the following vote:

AYES: 123

Abel	Alter	Auer	Backer	Barnett
Barry 100	Bennett	Berkowitz	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambara	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hampton	Harlan	Hartzler 123
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Liese
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
May 108	Mays 50	McBride	McKenna	Merideth
Miller	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Pouche 30	Ransdall	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Surface	Thompson	Treadway	Troupe	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

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NOES: 030

Akin	Ballard	Bartelsmeyer	Bartle	Berkstresser
Boatright	Campbell	Champion	Chrismer	Hanaway
Hartzler 124	Hendrickson	Hohulin	Kelley 47	Levin
Linton	Marble	McClelland	McLuckie	Murphy
Phillips	Pryor	Purgason	Reid	Robirds
Schilling	Smith	Summers	Tudor	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Elliott	Hagan-Harrell	Monaco	Patek
Stokan	Townley	Van Zandt		

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

CCR SS HS HCS HB 1797, as amended, relating to insurance identification database, was taken up by Representative Gratz.

Representative Gratz moved that Rule 60(c) be suspended and **CCR SS HS HCS HB 1797, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 142

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dougherty	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	Gaskill	George	Gibbons
Graham 106	Gratz	Green	Griesheimer	Gross
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Levin	Liese	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Murphy	Murray	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor

Purgason	Ransdall	Reid	Relford	Reynolds
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Troupe	Tudor	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 007

Auer	Boykins	Froelker	Graham 24	Gunn
Lograsso	Ridgeway			

PRESENT: 000

ABSENT WITH LEAVE: 012

Burton	Dolan	Elliott	Hartzler 124	Linton
Monaco	Naeger	Reinhart	Richardson	Stokan
Townley	Van Zandt			

VACANCIES: 002

On motion of Representative Gratz, **CCS SS HS HCS HB 1797** was read the third time and passed by the following vote:

AYES: 149

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Bray 84	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Treadway	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 002

Auer	Gunn
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PRESENT: 001

Boykins

ABSENT WITH LEAVE: 009

Britt	Burton	Elliott	Hagan-Harrell	Kasten
Monaco	Stokan	Townley	Van Zandt	

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

CCR SCS HS HB 1238, as amended, relating to delinquent property tax, was taken up by Representative Hoppe.

Representative Hoppe moved that Rule 60(c) be suspended and **CCR SCS HS HB 1238, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 120

Abel	Alter	Auer	Backer	Barry 100
Bartle	Berkowitz	Berkstresser	Black	Blunt
Boucher 48	Bray 84	Britt	Brooks	Campbell
Champion	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Evans	Farnen	Fitzwater	Foley	Ford
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham 106	Graham 24	Gratz	Green
Gross	Gunn	Hagan-Harrell	Hampton	Harlan
Hartzler 123	Hendrickson	Hickey	Hilgemann	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kelly 27
Kennedy	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Liese	Lograsso	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Pouche 30
Pryor	Ransdall	Reid	Relford	Reynolds
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Wagner	Ward	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 020

Ballard	Barnett	Boatright	Boykins	Chrismer
Enz	Foster	Griesheimer	Hanaway	Hartzler 124
Hohulin	Levin	Loudon	Murphy	Nordwald
Phillips	Purgason	Reinhart	Summers	Townley

PRESENT: 009

Akin	Bennett	Bonner	Gibbons	Hegeman
King	Legan	Linton	Vogel	

ABSENT WITH LEAVE: 012

Bartelsmeyer	Burton	Cierpiot	Elliott	Kasten
Kelley 47	Long	McBride	Richardson	Secrest
Stokan	Wiggins			

VACANCIES: 002

On motion of Representative Hoppe, **CCS SCS HS HB 1238** was read the third time and passed by the following vote:

AYES: 135

Abel	Alter	Auer	Backer	Barry 100
Bartle	Bennett	Berkowitz	Berkstresser	Black
Blunt	Bonner	Boucher 48	Bray 84	Britt
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Gross	Gunn	Hagan-Harrell	Hampton
Harlan	Hartzler 123	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Lograsso	Long	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Patek	Pouche 30	Pryor	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Scheve	Schilling	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Surface	Thompson	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 016

Akin	Ballard	Barnett	Boatright	Boykins
Griesheimer	Hanaway	Hartzler 124	Hegeman	Linton
Loudon	Nordwald	Phillips	Purgason	Summers
Townley				

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer	Brooks	Burton	Elliott	Marble
Murphy	Sallee	Scott	Stokan	Wiggins

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 118

Abel	Auer	Backer	Barry 100	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Gross
Gunn	Hampton	Harlan	Hartzler 123	Hartzler 124
Hickey	Hilgemann	Hollingsworth	Hoppe	Hosmer
Kasten	Kelly 27	Kennedy	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Levin
Liese	Luetkenhaus	Marble	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Myers	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Scott	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Thompson	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 038

Akin	Alter	Ballard	Barnett	Boatright
Bonner	Enz	Gaskill	Griesheimer	Hanaway
Hegeman	Hendrickson	Hohulin	Holand	Howerton
Kelley 47	King	Legan	Linton	Lograsso
Long	Loudon	Luetkemeyer	McClelland	Murphy
Naeger	Nordwald	Patek	Phillips	Pouche 30
Pryor	Purgason	Richardson	Schwab	Secrest
Summers	Surface	Townley		

PRESENT: 000

ABSENT WITH LEAVE: 005

Bartelsmeyer	Burton	Elliott	Hagan-Harrell	Stokan
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VACANCIES: 002

On motion of Representative Ward, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

CCR SS SCS HS HCS HBs 1566 & 1810, as amended, relating to small business tax credits, was taken up by Representative Bray.

Representative Bray moved that Rule 60(c) be suspended and **CCR SS SCS HS HCS HBs 1566 & 1810, as amended**, be adopted.

Representative Bray offered **Conference Committee Amendment No. 1**.

Conference Committee Amendment No. 1 was withdrawn.

CCR SS SCS HS HCS HBs 1566 & 1810, as amended, was laid over.

CCR HCS SS SS #3 SJR 35, as amended, relating to compensation of state elected officials, was taken up by Representative Graham (24).

Representative Crump moved the previous question on the motion to adopt **CCR HCS SS SS #3 SJR 35, as amended**.

Which motion was adopted by the following vote:

AYES: 082

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambaro
George	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Liese	Luetkenhaus	May 108	Mays 50	McBride
McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Relford	Reynolds	Riley	Rizzo	Scheve
Schilling	Seigfreid	Selby	Shelton	Smith
Thompson	Treadway	Troupe	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 067

Akin	Alter	Ballard	Barnett	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Enz	Evans	Foster	Froelker	Graham 106
Griesheimer	Gross	Hanaway	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hohulin	Holand	Howerton
Kelley 47	King	Klindt	Legan	Levin
Linton	Long	Loudon	Luetkemeyer	Marble
McClelland	Miller	Murphy	Myers	Naeger
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Pryor	Purgason	Reid	Reinhart	Ridgeway
Robirds	Ross	Sallee	Schwab	Scott
Secrest	Shields	Summers	Surface	Townley
Tudor	Wright			

PRESENT: 000

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ABSENT WITH LEAVE: 012

Bartelsmeyer	Bray 84	Burton	Elliott	Gaskill
Gibbons	Kasten	Lograsso	Richardson	Skaggs
Stokan	Vogel			

VACANCIES: 002

Representative Hohulin requested verification of the roll call on the motion to call the previous question.

On motion of Representative Graham (24), **CCR HCS SS SS #3 SJR 35, as amended**, was adopted by the following vote:

AYES: 108

Abel	Akin	Alter	Backer	Bartle
Bennett	Berkowitz	Black	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Enz
Farnen	Fitzwater	Foley	Ford	Foster
Fraser	Gambaro	Gaskill	George	Graham 106
Graham 24	Gratz	Green	Gunn	Hagan-Harrell
Hampton	Harlan	Hartzler 123	Hartzler 124	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Liese	Long	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Murray	Myers	Naeger
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Reid	Relford	Richardson	Riley	Rizzo
Ross	Scheve	Schilling	Scott	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Surface	Thompson	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 045

Auer	Ballard	Barnett	Barry 100	Berkstresser
Blunt	Boatright	Bonner	Chrismer	Dolan
Evans	Franklin	Froelker	Gibbons	Gross
Hanaway	Hegeman	Hendrickson	Hohulin	Kasten
Levin	Linton	Loudon	Marble	McClelland
Miller	Murphy	Nordwald	Ostmann	Patek
Phillips	Pouche 30	Pryor	Purgason	Reinhart
Reynolds	Ridgeway	Robirds	Sallee	Schwab
Secrest	Shields	Townley	Treadway	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer	Burton	Elliott	Griesheimer	Leake
Lograsso	Monaco	Stokan	Van Zandt	

VACANCIES: 002

On motion of Representative Graham (24), **CCS HCS SS SS#3 SJR 35** was truly agreed to and finally passed by the following vote:

AYES: 108

Abel	Akin	Alter	Backer	Bartle
Bennett	Berkowitz	Black	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Enz
Farnen	Fitzwater	Foley	Ford	Fraser
Gambaro	Gaskill	George	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Harlan	Hartzler 123	Hartzler 124	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Kelley 47	Kelly 27	King	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Long	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Murray	Myers	Naeger	O'Connor	O'Toole
Overschmidt	Parker	Ransdall	Reid	Relford
Reynolds	Richardson	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Scott	Selby
Shelton	Skaggs	Smith	Summers	Surface
Thompson	Treadway	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 046

Auer	Ballard	Barnett	Barry 100	Berkstresser
Blunt	Boatright	Bonner	Chrismer	Dolan
Evans	Foster	Franklin	Froelker	Gibbons
Gross	Hanaway	Hegeman	Hendrickson	Hohulin
Howerton	Kasten	Kennedy	Kissell	Linton
Loudon	Marble	McClelland	Miller	Monaco
Murphy	Nordwald	Patek	Phillips	Pouche 30
Pryor	Purgason	Reinhart	Ridgeway	Robirds
Schwab	Secrest	Seigfreid	Shields	Townley
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer	Burton	Elliott	Lograsso	Ostmann
Stokan	Van Zandt			

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Shelton, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative George moved that motion lay on the table.

The latter motion prevailed.

CCR SS HS HCS HBs 1652 & 1433, as amended, relating to tobacco products, was taken up by Representative Hoppe.

Representative Hoppe moved that Rule 60(c) be suspended and **CCR SS HS HCS HBs 1652 & 1433, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 053

Auer	Backer	Barnett	Barry 100	Berkowitz
Bray 84	Britt	Brooks	Clayton	Crump
Curls	Davis 122	Days	Dolan	Dougherty
Fitzwater	Foley	Fraser	Gambaro	Graham 24
Gratz	Green	Hilgemann	Hollingsworth	Hoppe
Kennedy	Kissell	Kreider	Lakin	Luetkenhaus
May 108	Mays 50	McBride	McLuckie	Merideth
Murray	O'Toole	Overschmidt	Relford	Reynolds
Scheve	Schilling	Selby	Skaggs	Smith
Thompson	Treadway	Tudor	Van Zandt	Ward
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 091

Abel	Akin	Alter	Ballard	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Bonner	Boykins	Campbell	Champion	Chrismer
Cierpiot	Crawford	Davis 63	Enz	Evans
Farnen	Ford	Foster	Froelker	Gaskill
George	Gibbons	Graham 106	Gross	Gunn
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hohulin	Holand	Howerton
Kasten	Kelley 47	Kelly 27	King	Klindt
Koller	Lawson	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Marble
McClelland	McKenna	Miller	Murphy	Myers
Naeger	Nordwald	O'Connor	Ostmann	Parker
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Schwab
Shelton	Shields	Summers	Surface	Townley
Troupe	Vogel	Wagner	Wiggins	Williams 121
Wright				

PRESENT: 002

Griesheimer Seigfreid

ABSENT WITH LEAVE: 015

Bartelsmeyer	Boucher 48	Burton	Elliott	Franklin
Hagan-Harrell	Harlan	Hosmer	Lograsso	Monaco
Patek	Scott	Secrest	Stokan	Williams 159

VACANCIES: 002

Representative Hoppe moved that the House refuse to adopt **CCR SS HS HCS HBs 1652 & 1433, as amended**, and request the Senate grant the House a further conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SCS SB 683, relating to traffic regulations, was taken up by Representative Koller.

Representative Koller offered **HS HCS SCS SB 683**.

Representative Bennett offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 84, Section 2, Line 6, by inserting after said line the following:

“Section 3. The department of transportation shall have the authority to designate the lanes in which all trucks weighing more than twelve tons, including cargo, in motion upon a highway having three or more lanes of traffic proceeding in the same direction shall be driven, except that such regulations shall not apply when such trucks are overtaken and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.”.

On motion of Representative Bennett, **House Amendment No. 1** was adopted.

Representative Dougherty offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 2, Section A, Line 1, by inserting after all of said line the following:

"54.247. 1. Any city not within a county may, by ordinance, permit the city's treasurer's office to issue citations for violations of the city's moving traffic ordinances."; and

Further amend title, enacting clause and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 2** was adopted.

Representative Gratz offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 37, Section 303.406, Line 21, by striking the words “[may] **shall**” and inserting in lieu thereof the word “**may**”; and

Further amend said bill and section, Page 37, Line 22, by striking the number “**2001**” and inserting in lieu thereof the number “**2002**”; and

Further amend said bill, Section 303.406, Page 38, Line 10, by striking the number “**2001**” and inserting in lieu thereof the following “[2001] **2002**”; and

Further amend said bill, Section 303.406, Page 37, Line 20, by inserting before the period “.” on said line the following:

“and shall receive funding from the “Motorist Insurance Identification Database Fund”, which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.”; and

Further amend said bill, Section 303.412, Page 45, Line 16 of said page, by striking the number “**2002**” and inserting in lieu thereof the number “**2003**”; and

Further amend said bill, Section 303.415, Page 47, Line 3, by striking the number “**2001**” and inserting in lieu thereof the number “**2002**”; and

Further amend said bill and section, Page 47, Line 4 of said page, by striking the number “**2006**” and inserting in lieu thereof the number “**2007**”; and

Further amend said bill and section, Page 47, Line 7 of said page, by striking the number “**2001**” and inserting in lieu thereof the following: “[2001] **2002**”; and

Further amend said bill, section and page, Line 9 of said page, by striking the number “**2006**” and inserting in lieu thereof the number “**2007**”.

On motion of Representative Gratz, **House Amendment No. 3** was adopted.

Representative Wright offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 55, Section 304.027, Line 3 of said page, by inserting after all of said line the following:

"304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his **or her** jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

- (1) The abandoned property is left unattended [for more than forty-eight hours]; or
- (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow [under] **pursuant to** this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

- (1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized

abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) [The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3)] The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency[, and ninety-six hours have elapsed since that notification].

5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

(10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and

(11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

10. The provisions in this section shall only apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification.

[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or
(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the

tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]" and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 4** was adopted.

Representative Luetkenhaus offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Pages 33 to 37, Section 303.190, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 5** was adopted.

Representative Dougherty offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 683, Page 16, Section 301.010, Line 10 of said page, by inserting after all of said line the following:

"301.457. Any person who served in the Vietnam conflict and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for special motor vehicle license plates, either solely or jointly, for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of [nine] **six** thousand one pounds to [twelve] **eighteen** thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam conflict and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license

plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "VIETNAM VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.463. The children's trust fund board established in section 210.170, RSMo, may authorize the use of their logo to be incorporated on multiyear personalized license plates as provided in this section. The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words "Children's Trust Fund" and the children's trust fund logo in preference to the words "SHOW-ME STATE". The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate's aesthetic appearance, as determined by the director of revenue. Any vehicle owner may annually apply to the board **or director** for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. **Application for use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children's trust fund.** Upon presentation of the annual statement [and payment of the fee required for personalized license plates in section 301.144], **or upon application to the director for use of the logo with the twenty-five dollar contribution,** and **presentation of** other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate described in this section to the vehicle owner. **A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.** The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with [an emblem] **a logo** authorized by this section and who does not provide [an emblem] **a logo** use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the [emblem] **logo**, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children's trust fund established in section 210.173, RSMo.

301.3035. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Missouri Botanical Garden, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Missouri Botanical Garden hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Botanical Garden derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Botanical Garden. Any member of the Missouri Botanical Garden may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Missouri Botanical Garden, the Missouri Botanical Garden shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Missouri Botanical Garden. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

3. A vehicle owner who was previously issued a plate with the Missouri Botanical Garden's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Botanical Garden's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3037. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Missouri State Humane Association, may receive special license plates for any passenger motor vehicle

subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Missouri State Humane Association hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri State Humane Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri State Humane Association. Any member of the Missouri State Humane Association may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Missouri State Humane Association. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Missouri State Humane Association's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3039. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Saint Louis Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Saint Louis Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Saint Louis Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Saint Louis Zoo. Any member of the Saint Louis Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Saint Louis Zoo, the Saint Louis Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Saint Louis Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Saint Louis Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Saint Louis Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3057. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Kansas City Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Kansas City Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Kansas City Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kansas City Zoo. Any member of the Kansas City Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Kansas City Zoo, the Kansas City Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall

bear the logo of the Kansas City Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Kansas City Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kansas City Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3059. 1. Any person, as prescribed in this section after an annual payment of a logo use authorization fee to the Springfield Zoo, may receive special license plates for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of six thousand to eighteen thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly. The Springfield Zoo hereby authorizes the use of its official logo to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Springfield Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Springfield Zoo. Any member of the Springfield Zoo may annually apply for the use of the logo.

2. Upon annual application and payment of a thirty-five dollar logo use contribution to the Springfield Zoo, the Springfield Zoo shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of any fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a special license plate which shall bear the logo of the Springfield Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner who was previously issued a plate with the Springfield Zoo's logo authorized by this section, but who does not provide a logo use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Springfield Zoo's logo, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 6** was adopted.

Representative Crump moved the previous question on the motion to adopt **HS HCS SCS SB 683, as amended.**

Which motion was adopted by the following vote:

AYES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Liese	Luetkenhaus	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo

Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 067

Akin	Alter	Ballard	Barnett	Bartle
Berkstresser	Black	Blunt	Boatright	Champion
Chrismer	Cierpiot	Crawford	Dolan	Enz
Evans	Foster	Froelker	Gaskill	Gibbons
Graham 106	Griesheimer	Gross	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hohulin	Holand
Howerton	Kasten	Kelley 47	Klindt	Legan
Levin	Lograsso	Long	Loudon	Luetkemeyer
Marble	Miller	Murphy	Myers	Naeger
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Purgason	Reid	Reinhart	Richardson	Ridgeway
Robirds	Ross	Schwab	Scott	Secrest
Shields	Summers	Surface	Townley	Tudor
Vogel	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer	Bennett	Burton	Elliott	King
Linton	Monaco	Pryor	Sallee	Stokan

VACANCIES: 002

On motion of Representative Koller, **HS HCS SCS SB 683, as amended**, was adopted.

On motion of Representative Koller, **HS HCS SCS SB 683, as amended**, was read the third time and passed by the following vote:

AYES: 140

Akin	Alter	Auer	Backer	Barnett
Bartle	Bennett	Berkowitz	Berkstresser	Black
Blunt	Boatright	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Hollingsworth
Hoppe	Howerton	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
May 108	Mays 50	McBride	McClelland	McKenna
Merideth	Miller	Murphy	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson

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Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 008

Ballard	Chrismer	Hanaway	Holand	Linton
Marble	Purgason	Sallee		

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 012

Abel	Barry 100	Bartelsmeyer	Burton	Elliott
Harlan	Hosmer	Kasten	McLuckie	Monaco
Ross	Stokan			

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Riley moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

HCS SS SCS SB 885, relating to state employees health plan, was taken up by Representative Smith.

Representative Smith moved that **HCS SS SCS SB 885** be adopted.

Which motion was defeated.

On motion of Representative Smith, **SS SCS SB 885** was truly agreed to and finally passed by the following vote:

AYES: 142

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartle	Bennett	Berkowitz	Berkstresser
Black	Blunt	Bonner	Boucher 48	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Enz
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan

Levin	Liese	Long	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 008

Ballard	Boatright	Evans	Kelley 47	Linton
Lograsso	Loudon	Murphy		

PRESENT: 003

Auer	Boykins	Shields
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ABSENT WITH LEAVE: 008

Bartelsmeyer	Burton	Dougherty	Elliott	Harlan
Pryor	Schilling	Stokan		

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SCS SB 894, as amended**, and has taken up and passed **CCS HS HCS SCS SB 894**.

Emergency clause defeated.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to adopt the **HS HCS SB 996, as amended**, and requests the House to recede from its position and take up and pass **SB 996**.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 894**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894; and
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 894; and
3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE:

/s/ Tom Hoppe
/s/ Phil Smith
/s/ Mark Richardson
/s/ John Griesheimer

FOR THE SENATE:

/s/ Ed Quick
/s/ Sidney Johnson
/s/ Jim Mathewson
/s/ Betty Sims
/s/ Marvin Singleton

BILL IN CONFERENCE

CCR HS HCS SCS SB 894, as amended, relating to delinquent property taxes, was taken up by Representative Hoppe.

Representative Hoppe moved that Rule 60(c) be suspended and **CCR HS HCS SCS SB 894, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 123

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boucher 48	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls

Davis 122	Davis 63	Days	Enz	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Levin	Liese
Long	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Murray	Myers	Naeger	O'Connor	O'Toole
Overschmidt	Parker	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Skaggs	Smith	Summers	Surface
Thompson	Treadway	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 42	Wright	Mr. Speaker		

NOES: 022

Boatright	Bonner	Boykins	Evans	Froelker
Gross	Hartzler 124	Hegeman	Hendrickson	Hohulin
Linton	Lograsso	Loudon	Miller	Nordwald
Ostmann	Patek	Phillips	Pouche 30	Pryor
Shields	Townley			

PRESENT: 000

ABSENT WITH LEAVE: 016

Ballard	Bartelsmeyer	Burton	Dolan	Dougherty
Elliott	Kelly 27	Legan	McClelland	Monaco
Murphy	Sallee	Schilling	Stokan	Van Zandt
Wilson 25				

VACANCIES: 002

On motion of Representative Hoppe, **CCS HS HCS SCS SB 894** was truly agreed to and finally passed by the following vote:

AYES: 135

Abel	Akin	Alter	Backer	Barnett
Bartle	Bennett	Berkowitz	Berkstresser	Black
Blunt	Boucher 48	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Legan	Levin	Liese
Lograsso	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Overschmidt	Parker	Patek
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo

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Robirds	Ross	Sallee	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 016

Auer	Ballard	Boatright	Bonner	Boykins
Ford	Hegeman	Hendrickson	Loudon	Miller
Murphy	Ostmann	Phillips	Pouche 30	Pryor
Townley				

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100	Bartelsmeyer	Burton	Elliott	Kelly 27
Linton	Long	Monaco	Scheve	Stokan

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILL

HCS SB 573, relating to state school aid; teachers' salaries, was taken up by Representative Kissell.

Representative Kissell moved that **HCS SB 573** be adopted.

Which motion was defeated.

Representative Scheve offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 573, by adding the following:

"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one

hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: (the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for

the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the 2001-2001 school year, the eligible pupil number used in these calculations shall exclude voluntary transfer students, and the 1997-1998 line 14 total amount and amount per pupil will be recalculated to exclude the voluntary transfer students originally in the calculation. Beginning with the 2001-2001 school year, for any district with voluntary transfer students in 1997-1998, the current year per eligible pupil payment amount shall not be less than the previous year per eligible pupil payment amount.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be

given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP).....\$.....
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... \$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes).....\$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%..... \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087..... \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo..... \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo..... \$.....
10. Total deductions (sum of lines 2-9)..... \$.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration..... \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration..... \$.....
13. Seventy-five percent of the gifted education

- approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration.....\$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration..... \$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes..... \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration..... \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration..... \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration..... \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17)..... \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero)\$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”.

Representative Patek raised a point of order that **House Amendment No. 1** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Relford offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND Senate Bill No. 573, Page 1, by inserting the following:

“163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: **seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor;** seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following

quantity: (the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line (a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14 (a) and 14 (b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation**; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the 2001-2001 school year, the eligible pupil number used in these calculations shall exclude voluntary transfer students, and the 1997-1998 line 14 total amount and amount per pupil will be recalculated to exclude the voluntary transfer students originally in the calculation. Beginning with the 2001-2001 school year, for any district with voluntary transfer students in 1997-1998, the current year per eligible pupil payment amount shall not be less than the previous year per eligible pupil payment amount.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty

percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

- 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$.....
- 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... \$.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year..... \$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... \$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)..... \$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%..... \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school

- district trust fund received the previous year for school purposes pursuant to section 163.087 \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo..... \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo..... \$.....
10. Total deductions (sum of lines 2-9).....\$.....
- Categorical Add-ons
11. The amount distributed pursuant to section 163.161 x proration..... \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration \$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration..... \$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration\$.....
- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration..... \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration..... \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration..... \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17)..... \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero).....\$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”; and

Further amend said Section 163.036, Page 4, by inserting the following:

“167.645. [No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999, RSMo.] **1. For purposes of this section, the following terms mean:**

(1) "Reading assessment", a recognized method of judging a student's reading ability, with results expressed as reading at a particular grade level. The term reading assessment shall include, but is not limited to, standard checklists designed for use as a student reads out loud, paper-and-pencil tests promulgated by nationally recognized organizations and other recognized methods of determining a student's reading accuracy, expression, fluency and comprehension in order to make a determination of the student's grade-level reading ability. Assessments which do not give a grade-level result may be used in combination with other assessments to reach a grade-level determination. Districts are encouraged but not required to select assessment methods identified pursuant to section 167.346. Districts are also encouraged to use multiple methods of assessment;

(2) "Summer school", for reading instruction purposes, a minimum of forty hours of reading instruction and practice. A school district may arrange the hours and days of instruction to coordinate with its regular program of summer school.

2. For purposes of this section, methods of reading assessment shall be determined by each school district. Unless a student has been determined in the current school year to be reading at grade level or above, each school district shall administer a reading assessment or set of assessments to each student within forty-five days of the end of the third-grade year, except that the assessment and retention provisions of this section shall not apply to:

(1) Students receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.999, RSMo;

(2) Students whose second language is English;

(3) Students in an educational plan under section 504 of the Federal Rehabilitation Act of 1973, 20 U.S.C. Section 794, as amended, where it is determined that such student's disability affects such student's ability to read; or

(4) Students who have been determined, prior to the beginning of any school year, to have an intellectual ability insufficient to meet the reading requirement set out in this section. Although students in this category are exempt from the assessment and retention provisions of this section, districts shall provide reading improvement plans for these students.

The assessment required by this subsection shall also be required for students who enter a district in grades 4 or 5 unless such student has been determined in the current school year to be reading at grade level or above.

3. (1) For each student whose third-grade reading assessment determines that such student is reading below second-grade level, the school district shall design a reading improvement plan for the student's fourth-grade year.

(2) For the 2000-2001 school year only, school districts shall administer a reading assessment or set of assessments to each fourth and fifth grade student within forty-five days of the end of the school year, unless such student has been determined in the current school year to be reading at grade level or above. For any fourth grade student who is reading below third grade level and for any fifth grade student who is reading below fourth grade level, the school district shall design a reading improvement plan for the student's next school year. Such students may be required to attend summer school following the regular 2000-2001 school term as a condition of promotion to fifth or sixth grade and shall be given an assessment within forty-five days of the end of school year 2001-2002. Such students who do not meet the target level shall be required to attend summer school and be reassessed at the end of summer school. Such students who do not meet the target level at the end

of summer school following the regular 2001-2002 school term shall be retained, following the notification procedure and limitations described in subsection 4 of this section.

(3) Such reading improvement plan shall include, at a minimum, thirty hours of additional reading instruction or practice outside the regular school day during the fourth-grade year. The school district shall determine the method of reading instruction necessary to enforce this subsection. The school district may also require the student to attend summer school for reading instruction as a condition of promotion to fourth grade.

4. Each student for whom a reading improvement plan has been designed pursuant to subsection 3 of this section shall be given another reading assessment, to be administered within forty-five days of the end of such student's fourth-grade year. If such student is determined to be reading below third-grade level, the student shall be required to attend summer school to receive reading instruction. At the end of such summer school instruction, such student shall be given another reading assessment. If such student is determined to be reading below third-grade level, the district shall notify the student's parents or guardians, and the student shall not be promoted to fifth grade. No student shall be denied promotion more than once solely for inability to meet the reading standards set out in this section.

5. The process described in subsections 3 and 4 of this section shall be repeated as necessary through the end of the sixth grade, with the target grade level rising accordingly. Mandatory retention grade shall not apply to grades subsequent to fourth grade except as provided in subdivision (2) of subsection 3 of this section.

6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of the sixth grade or when a student reaches the target grade level for reading ability at any point before sixth grade.

7. Each school district shall be required to offer summer school reading instruction to any student with a reading improvement plan. Districts may fulfill the requirement of this section through cooperative arrangements with neighboring districts. If a district offers transportation to such students, the mileage shall be considered as approved mileage eligible for reimbursement pursuant to sections 163.161 and 167.231, RSMo.

8. A school district may adopt a policy that requires retention in grade of any student who has been determined to require summer school instruction in reading and who does not fulfill the summer school attendance requirement.

9. Nothing in this section shall preclude a school district from retaining any student in grade when a determination is made in accordance with district policy that retention is in the best interests of the student.

10. The state board of education shall not incorporate information about the number of students receiving additional instruction pursuant to this section into any element of any standard of the Missouri school improvement program or its successor assessment program.

11. Each school district shall make an effort to systematically inform parents of the methods and materials used to teach reading in grades kindergarten through 4 (four), in terms understandable to a lay person.”; and

Further amend the title to say “**relating to education**” instead of current title language “**relating to state school aid payments**”; and

Further amend the title and enacting clause accordingly.

Representative Relford moved that **House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Scheve moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 050

Abel	Akin	Alter	Ballard	Barry 100
Bartle	Black	Blunt	Boatright	Bonner
Bray 84	Champion	Cierpiot	Enz	Evans
Ford	Fraser	Gibbons	Griesheimer	Hanaway
Hartzler 123	Hegeman	Hendrickson	Hilgemann	Hollingsworth
Hoppe	Kasten	Kennedy	King	Klindt
Lakin	Levin	Liese	Linton	Loudon
McClelland	Merideth	Myers	Reid	Relford
Rizzo	Robirds	Scheve	Secrest	Smith
Treadway	Tudor	Vogel	Wagner	Ward

NOES: 100

Auer	Backer	Barnett	Bennett	Berkowitz
Berkstresser	Boucher 48	Boykins	Britt	Brooks
Campbell	Chrismer	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dougherty
Farnen	Fitzwater	Foley	Foster	Franklin
Froelker	Gambaro	Gaskill	George	Graham 106
Graham 24	Green	Gross	Gunn	Hagan-Harrell
Hampton	Harlan	Hartzler 124	Hickey	Hohulin
Holand	Hosmer	Howerton	Kelly 27	Kissell
Koller	Kreider	Lawson	Legan	Lograsso
Long	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McBride	McKenna	McLuckie	Miller
Murphy	Murray	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reinhart
Reynolds	Richardson	Ridgeway	Riley	Ross
Sallee	Scott	Seigfreid	Selby	Shelton
Shields	Skaggs	Summers	Surface	Thompson
Townley	Troupe	Van Zandt	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 010

Bartelsmeyer	Burton	Elliott	Gratz	Kelley 47
Monaco	Overschmidt	Schilling	Schwab	Stokan

VACANCIES: 002

On motion of Representative Kissell, **SB 573** was truly agreed to and finally passed by the following vote:

AYES: 145

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47

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Kelly 27	Kennedy	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Lograsso	Long	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Pouche 30
Pryor	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Sallee	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 010

Boatright	Hohulin	Holand	King	Linton
Loudon	Murphy	Phillips	Purgason	Scheve

PRESENT: 000

ABSENT WITH LEAVE: 006

Bartelsmeyer	Burton	Elliott	Monaco	Schilling
Stokan				

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 131

Abel	Alter	Auer	Backer	Barnett
Barry 100	Bartle	Bennett	Berkowitz	Blunt
Bonner	Boucher 48	Boykins	Britt	Brooks
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Fraser
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Legan
Levin	Liese	Lograsso	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	Merideth	Miller	Murray
Myers	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Pouche 30	Pryor
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Riley	Rizzo	Robirds	Ross
Sallee	Schwab	Scott	Secrest	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 015

Akin	Ballard	Berkstresser	Black	Boatright
Froelker	Hohulin	Holand	King	Linton
Phillips	Purgason	Ridgeway	Scheve	Townley

PRESENT: 000

ABSENT WITH LEAVE: 015

Bartelsmeyer	Bray 84	Burton	Campbell	Elliott
Franklin	Hagan-Harrell	Long	McLuckie	Monaco
Murphy	Nordwald	Schilling	Seigfreid	Stokan

VACANCIES: 002

On motion of Representative Fraser, title to the bill was agreed to.

Representative Ford moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

HCS SB 851, relating to criminal activity forfeitures, was taken up by Representative Kreider.

HCS SB 851 was laid over.

THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCS SCR 41, relating to joint interim committee on revitalization of St. Louis, was taken up by Representative O'Toole.

Representative Evans offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Concurrent Resolution No. 41, Page 2, Line 8, by inserting after the word "**Representatives**" the following:

"except that no more than three members from each house shall be members of the same political party".

Representative Evans moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative O'Toole, **SCS SCR 41** was truly agreed to and finally passed by the following vote:

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AYES: 135

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dougherty	Enz	Evans	Farnen
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Levin	Liese
Long	Loudon	Luetkenhaus	Marble	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Miller	Monaco	Murphy	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Pouche 30	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Riley	Rizzo	Robirds	Ross	Schwab
Secrest	Seigfreid	Selby	Shelton	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Tudor	Van Zandt	Vogel	Wagner	Ward
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 007

Dolan	Linton	Phillips	Purgason	Ridgeway
Townley	Troupe			

PRESENT: 000

ABSENT WITH LEAVE: 019

Bartelsmeyer	Bray 84	Burton	Elliott	Fitzwater
Holand	Legan	Lograsso	Luetkemeyer	McClelland
Pryor	Sallee	Scheve	Schilling	Scott
Shields	Stokan	Wiggins	Wright	

VACANCIES:002

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Harlan moved that motion lay on the table.

The latter motion prevailed.

SCR 22, relating to Bob Ward highway, was taken up by Representative Koller.

On motion of Representative Koller, **SCR 22** was truly agreed to and finally passed by the following vote:

AYES: 084

Auer	Backer	Barry 100	Berkowitz	Bonner
Boucher 48	Boykins	Brooks	Campbell	Champion
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Foster	Fraser	Gambaro
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Gunn	Hagan-Harrell	Hampton	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Liese	Lograsso	May 108	Mays 50
McBride	McKenna	McLuckie	Monaco	Murphy
Murray	Myers	O'Connor	O'Toole	Ostmann
Patek	Ransdall	Relford	Reynolds	Riley
Rizzo	Ross	Scheve	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Troupe	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 040

Abel	Akin	Alter	Ballard	Bartle
Berkstresser	Boatright	Cierpiot	Enz	Gaskill
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Howerton	Kasten	Kelley 47	Klindt	Linton
Long	Marble	Merideth	Miller	Nordwald
Phillips	Pouche 30	Pryor	Purgason	Reid
Reinhart	Richardson	Ridgeway	Robirds	Schwab
Secrest	Shields	Surface	Tudor	Vogel

PRESENT: 021

Barnett	Bennett	Black	Blunt	Chrismer
Dolan	Evans	Froelker	Griesheimer	Gross
Hanaway	Holand	King	Levin	Loudon
Luetkemeyer	Naeger	Parker	Summers	Townley
Wright				

ABSENT WITH LEAVE: 016

Bartelsmeyer	Bray 84	Britt	Burton	Elliott
Franklin	Harlan	Legan	Luetkenhaus	McClelland
Overschmidt	Sallee	Schilling	Scott	Stokan
Van Zandt				

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Riley, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HS HB 1238, as amended**, and has taken up and passed **CCS SCS HS HB 1238**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SS#2 SCS SBs 757 & 602, as amended**, and has taken up and passed **HS HCS SS#2 SCS SBs 757 & 602, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SB 892** and has taken up and passed **HS SB 892**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA1 to SB 921** and has taken up and passed **SB 921, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS HS HCS HB 1797** and has taken up and passed **SS HS HCS HB 1797, as amended by the CCR**.

COMMITTEE CHANGE

The Speaker submitted the following Committee change:

Representative Riback Wilson (25) has been appointed Chair of the Appropriations - Health and Mental Health Committee.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, May 18, 2000.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Seventy-first Day, Thursday, May 11, 2000, page 1888, line 5, by inserting after said line the following:

HS HCS SS SB 902, as amended, relating to gaming, was taken up by Representative Treadway.

Representative Treadway moved that the House refuse to recede from its position on **HS HCS SS SB 902, as amended**, and grant the Senate a conference.

Which motion was adopted.

Page 1722, line 32, by deleting the name “Auer” and inserting in lieu thereof the name “Farnen”.

Page 1880, line 15, by deleting all of said line.

Page 1897, lines 26 through 29, by deleting all of said lines.

Pages 1707 and 1708, roll call, by showing Representatives Boykins, Enz and Murray voting "aye" rather than "absent with leave".

Pages 1707 and 1708, roll call, by showing Representatives Berkstresser, Boatright and Dolan voting "no" rather than "absent with leave".

Pages 1709 and 1710, roll call, by showing Representatives Berkstresser, Champion, Dolan, Gambaro, Gross and Kennedy voting "aye" rather than "absent with leave".

Page 1710, roll call, by showing Representatives Boykins and Dolan voting "aye" rather than "absent with leave".

Pages 1710 and 1711, roll call, by showing Representatives Boykins, Dolan and Gross voting "aye" rather than "absent with leave".

Pages 1715 and 1716, roll call, by showing Representatives Hollingsworth and Robirds voting "aye" rather than "absent with leave".

Pages 1715 and 1716, roll call, by showing Representative Bennett voting "no" rather than "absent with leave".

Pages 1716 and 1717, roll call, by showing Representatives Hollingsworth and Liese voting "aye" rather than "absent with leave".

Pages 1716 and 1717, roll call, by showing Representative Bennett voting "no" rather than "absent with leave".

Page 1719, roll call, by showing Representatives Berkstresser and Shields voting "aye" rather than "absent with leave".

Page 1719, roll call, by showing Representative Merideth voting "no" rather than "absent with leave".

Pages 1720 and 1721, roll call, by showing Representative Kennedy voting "no" rather than "absent with leave".

Pages 1720 and 1721, roll call, by showing Representatives Klindt and Myers voting "aye" rather than "absent with leave".

Pages 1721 and 1722, roll call, by showing Representative Hollingsworth voting "no" rather than "absent with leave".

Pages 1721 and 1722, roll call, by showing Representatives Long, Myers and Surface voting "aye" rather than "absent with leave".

Page 1723, roll call, by showing Representative Gross voting "aye" rather than "no".

Page 1723, roll call, by showing Representative Myers voting "aye" rather than "absent with leave".

Page 1724, roll call, by showing Representatives Levin and Myers voting "no" rather than "absent with leave".

Pages 1724 and 1725, roll call, by showing Representatives Champion, McKenna and Patek voting "aye" rather than "absent with leave".

Pages 1724 and 1725, roll call, by showing Representative Myers voting "no" rather than "absent with leave".

Page 1726, roll call, by showing Representatives Champion, Kennedy, Luetkemeyer and Parker voting "aye" rather than "absent with leave".

Pages 1728 and 1729, roll call, by showing Representative Parker voting "no" rather than "absent with leave".

Pages 1730 and 1731, roll call, by showing Representative Ward voting "aye" rather than "absent with leave".

Pages 1730 and 1731, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Page 1731, roll call, by showing Representative Patek voting "aye" rather than "no".

Page 1731, roll call, by showing Representative Bennett voting "aye" rather than "absent with leave".

Pages 1746 and 1747, roll call, by showing Representatives Crawford and Hartzler (124) voting "aye" rather than "absent with leave".

Pages 1797 and 1798, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Pages 1878 and 1879, roll call, by showing Representative Purgason voting "no" rather than "present".

Pages 1885 and 1886, roll call, by showing Representative Secrest voting "aye" rather than "absent with leave".

Pages 1886 and 1887, roll call, by showing Representatives Klindt, Long, Luetkemeyer and Secrest voting "aye" rather than "absent with leave".

Pages 1886 and 1887, roll call, by showing Representative Kelly (27) voting "no" rather than "absent with leave".

Pages 1889 and 1890, roll call, by showing Representatives Bartelsmeyer and Dolan voting "no" rather than "absent with leave".

Page 1894, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 1894, roll call, by showing Representative Ward voting "no" rather than "absent with leave".

Pages 1897 and 1898, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 1897 and 1898, roll call, by showing Representative Tudor voting "aye" rather than "absent with leave".

Pages 1898 and 1899, roll call, by showing Representatives Liese and Murray voting "no" rather than "absent with leave".

Pages 1900 and 1901, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Pages 1900 and 1901, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 1901 and 1902, roll call, by showing Representatives Kelley (47) and Long voting "aye" rather than "absent with leave".

Pages 1901 and 1902, roll call, by showing Representative Gibbons voting "no" rather than "absent with leave".